## LAWS

.....

## UNITED STATES

# AMERICA.

IN THREE VOLUMES.

VOL. I.

PUBLISHED BY AUTHORITY.

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PUBLISHED BY AUTHORITY.





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## CONSTITUTION

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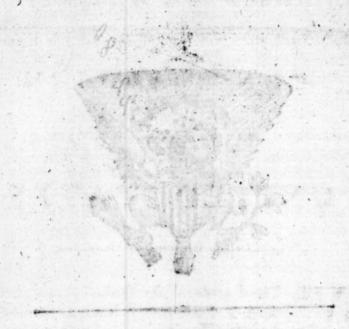
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## CONSTITUTION

OF THE

## UNITED STATES.

to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, DO ORDAIN AND ESTABLISH this CONSTITUTION for the UNITED STATES of AMERICA.

## ARTICLE L'O par de la

Sect. 1. ALL legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sect. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportion-

ed among the feveral states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every fubsequent term of ten years, in such manner as they shall by law direct. The number of Reprefentatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until fuch enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three; Masfachusetts, eight; Rhode-Island and Providence Plantations, one; Connecticut, five; New-York, fix; New-Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, fix; Virginia, ten; North-Carolina, five; South-Carolina, five; and Georgia, three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs

of election to fill fuch vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

Sect. 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be affembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the fixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary

appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they

be equally divided.

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The Senate shall chuse their other officers, and also a President Pro Tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial,

judgment and punishment according to law.

Sect. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof: But the Congress may at any time by law make or alter such regulations, except as to the places of chusing Senators.

The Congress shall affemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sect. 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of ablent members, in fuch manner, and under fuch pe-

nalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which

the two Houses shall be sitting.

Sect. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, selony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

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No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been encreased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Sect. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States: If he approve he shall sign it; but if not he shall return it, with his objections, to that House in which it shall

have originated, who shall enter the objections at large on their journal, and proceed to reconfider it. If after fuch reconfideration, two-thirds of that Houseshall agree to pass the bill, it shall be fent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the Prefident within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had figned it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

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Sect. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States: To regulate commerce with foreign nations, and among the feveral states; and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies through out the United States: Held office off florida

Vol. I.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and meafures:

To provide for the punishment of counterfeiting the

fecurities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

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To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprifal, and make rules concerning captures on land and water:

To raife and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and rugulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive leigstation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of Congress, become the feat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of

forts, magazines, arfenals, dock-yards, and other need-

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To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Sect. 9. The migration or importation of fuch perfons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of babeas corpus shall not be suspended, unless when in cases of rebellion or inva-

fion the public fafety may require it.

No bill of attainder or ex post facto law shall be passed. No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein

before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: Nor shall vessels bound to, or from, one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign state.

Sect. 10. No state shall enter into any treaty, alliance

or confederation; grant letters of marque and reprifal; coin money; emit bills of credit; make any thing but gold and filver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

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No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and controul of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

### ARTICLE II.

Sect. 1. The executive power shall be vested in 2 President of the United States of America. He shall hold his office during the term of sour years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to

the feat of the government of the United States, directed to the Prefident of the Senate. The Prefident of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have fuch majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the lift the faid House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by flates, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The Congress may determine the time of chusing the electors, and the day on which they shall give their votes; which day shall be the same throughout the

United States.

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No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-sive years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be

removed, or a Prefident shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

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Before he enter on the execution of his office, he shall

take the following oath or affirmation:

"I do folemnly fwear (or affirm) that I will faithfully execute the office of Prefident of the United States; and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

Sect. 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and confent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The Prefident shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

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Sect. 3. He shall from time to time give to the Congress imformation of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient: He may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper: He shall receive ambassadors and other public ministers: He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sect. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

#### ARTICLE III.

Sect. 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior court, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sect. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be party; to controversies between two or more states.

between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign

states, citizens, or subjects.

In all cases, affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

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The trial of all crimes, except in cases of impeachment, shall be by jury: and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places, as the Congress may

by law have directed.

Sect. 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overtact, or on confession in open court.

The Congress shall have power to declare the punishment of treason: but no attainder of treason shall work corruption of blood, or forfeiture, except during the

life of the person attainted.'

#### ARTICLE IV.

Sect. 1. Full faith and credit shall be given, in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sect. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, selony, or other crime, who shall slee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he sled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person, held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service

or labour may be due.

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Sect. 3. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States: and nothing in this constitution shall be so construed, as to prejudice any claims of the United States,

or of any particular state.

Sect. 4. The United States shall guarantee to every state in this union, a republican form of government; and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part Vol. I.

of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the minth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

#### ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the consederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges, in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous confent of the flates prefent, the feventeenth day of September, in the year of

our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

> GEORGE WASHINGTON, President, and Deputy from Virginia.

New-Hampsbire,

( John Langdon, Nicholas Gilman.

Maffachufetts,

Nathaniel Gorham,

Rufus King.

Connecticut.

William Samuel Johnson,

Roger Sherman.

New-York.

Alexander Hamilton.

New-Jersey,

William Livingston, David Brearley, William Paterson, Jonathan Dayton.

Pennfylvania,

Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzfimons, Jared Ingerfol, James Wilson, Gouverneur Morris.

Delaware,

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George Reed, Gunning Bedford, junior, John Dickinson, Richard Baffett, Jacob Broom.

Maryland,

Clames M'Henry, Daniel of St. Thomas Jenifer, (Daniel Carroll.

Virginia,

( John Blair, James Madison, junior.

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(William Blount, Richard Dobbs Spaight, (Hugh Williamson.

South-Carolina.

John Rutledge, Charles Cotefworth Pinckney, Charles Pinckney, Pierce Butler.

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William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, Secretary.

## IN CONVENTION,

Monday, September 17, 1787.

PRESENT,

THE STATES OF NEW-HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, MR. HAMILTON, FROM NEW YORK. NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARY-LAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CA-ROLINA, AND GEORGÍA:

RESOLVED,

THAT the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of Delegates, chofen in each state by the people thereof, under the recommendation of its legislature, for their affent and ratification; and that each convention affenting to, and ratifying the fame, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this convention, that as foon as the conventions of nine states shall have ratified this constitution, the United States in Congress affembled should fix a day on which electors should be appointed by the states which shall have ratified the fame, and a day on which the electors should affemble to vote for the President, and the time and place for

after fuch publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed and directed, as the constitution requires, to the Secretary of the United States in Congress assembled. That the Senators and Representatives should convene at the time and place assigned. That the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this constitution.

By the Unanimous Order of the Convention:
GEORGE WASHINGTON, President.

WILLIAM JACKSON, Secretary.

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September, 17, 1787.

E have now the honor to submit to the consideration of the United States in Congress affembled, that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties; that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: But the impropriety of delegating such extensive trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all: Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion, this difficulty was encreased by a difference among the several states as to their situation, extent,

habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensible.

That it will meet the full and entire approbation of every state, is not perhaps to be expected; but each will doubtless consider, that had her interest been alone confulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect,

We have the Honor to be,

SIR.

Your Excellency's most
Obedient and humble Servants:
GEORGE WASHINGTON, President.

By unanimous Order of the Convention.

His Excellency

THE PRESIDENT OF CONGRESS.

## A C T S

PASSED AT. THE

FIRST SESSION

OF THE

## FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF NEW-YORK.

On Wednesday the Fourth of March

IN THE YEAR M,DCC,LXXXIX:"

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Independence of the United States

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#### CHAPTER I.

An Act to regulate the Time and Manner of administering certain Oaths.

Section 1. D E it enacted by the Senate and Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the fixth article of the Constitution of the United States, shall be administered in the form following, to wit, "I, A. B. do folemnly fwear or affirm (as Oath to the case may be) that I will support the Con. support the stitution of the United States." The faid oath or affirmation shall be administered within three the form of days after the passing of this act, by any one ministered member of the Senate, to the Prefident of the to the prefi-Senate, and by him to all the members and to bers and fethe Secretary; and by the Speaker of the House cretary of of Representatives, to all the members who fenate, and to members have not taken a fimilar oath, by virtue of a and clerk of particular resolution of the said House, and to representathe Clerk: And in case of the absence of any tives. member from the service of either House, at the time prescribed for taking the faid oath or affirmation, the fame shall be administered to fuch member, when he shall appear to take his feat.

Sec. 2. And be it further enacted, That at the first fession of Congress after every general election of Representatives, the oath or affirmation VOL. I.

To be ad-

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bers of fenate and presentatives here

aforefaid, shall be administered by any one member of the House of Representatives to the Speahouse of re- ker; and by him to all the members present. and to the Clerk, previous to entering on any after elect- other business; and to the members who shall ed & when afterwards appear, previous to taking their feats. The Prefident of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected. previous to his taking his feat: And in any future case of a President of the Senate, who shall not have taken the faid oath or affirmation. the fame shall be administered to him by any one of the members of the Senate.

To members offate legislatures, and to all Judicial officers of the feveral 400 States.

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Sec. 3. And be it further enacted, That the members of the feveral state legislatures, at the next fessions of the faid legislatures respectively, executive& and all executive and judicial officers of the feveral states, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any perfon authorifed by the law of the state, in which fuch office shall be holden, to administer oaths. And the members of the feveral state legislatures, and all executive and judicial officers of the feveral states, who shall be chosen or appointed after the faid first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the state shall be authorised to administer the oath of office; and the person or persons so administering the oath hereby required to be taken,

and when.

shall cause a record or certificate thereof to be made, in the same manner, as by the law of the state, he or they, shall be directed to record or certify the oath of office.

Sec. 4. And be it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take or to be apthe fame oath or affirmation, which shall be administered by the person or persons who shall act. be authorifed by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

To all officers of the U. States, appointed pointed be-

Sect. 5. And be it further enacted, That the Oath of of-Secretary of the Senate, and the Clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit; "I, A. B. Secretary of the Senate, or Clerk of the House of Representatives (as the case may be) of the United States of America, do folemnly fwear or affirm, that I will truly and faithfully discharge the duties of my faid office, to the best of my knowledge and abilities.

fice, secret'y elerk of the house of representa-

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States and President of the Senate.

Approved, June 1, 1789:

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th ifen, GEORGE WASHINGTON, Prefident of the United States.

### CHAPTER II.

An Act for laying a Duty on Goods, Wares, and Merchandizes imported into the United States.

(REPEALED.)

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### CHAPTER III.

An Act imposing Duties on Tonnage.

(REPEALED.)

#### CHAPTER IV.

An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

(REPEALED.)

#### CHAPTER V.

An Act to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares and Merchandizes imported into the United States.

(REPEALED.)

## CHAPTER VI

An Act for fettling the Accounts between the United States and individual States.

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E it enacted by the Senate and Section 1. House of Representatives of the United States of America in Congress affembled, That the President of the United States be, and Vacancies in theboard he hereby is empowered to nominate, and by of commifand with the advice and confent of the Senate, fioners, how to appoint fuch person or persons as he may plied. think proper for supplying any vacancy that now is, or may hereafter take place in the Board of Commissioners, established by an ordinance of the late Congress, of the seventh of May, one thousand seven hundred and eighty-feven, to carry into effect the faid ordinance and resolutions of Congress, for the settlement of accounts between the United States and individual states.

Sec. 2. And be it further enacted, That the Clerks to be appoint faid Board of Commissioners be, and they ted. hereby are empowered to appoint a chief clerk, and fuch other clerks as the duties of their office may require; and that the pay of the faid chief clerk be fix hundred dollars per annum, their fahand of each other clerk four hundred dollars per annum.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

IOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the 5th, 1789: GEORGE WASHINGTON, President of the United States.

## CHAPTER VH.

An Act to establish an Executive Department, to be denominated the Department of War.

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See'ry for the department of war, his duty.

Section 1. DE it enacted by the Senate and I House of Representatives of the United States of America in Congress affembled. That there shall be an executive department, to be denominated the Department of War; and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute fuch duties as shall from time to time be enjoined on, or entrusted to him by the Prefident of the United States, agreeably to the conflictation, relative to military commiffions, or to the land or naval forces, thips, or warlike stores of the United States, or to fuch other matters respecting military or naval affairs, as the President of the United States shall affign to the faid department, or relative to the granting of lands to persons entitled thereto, for military fervices rendered to the United States, or relative to Indian affairs: And furthermore, that the faid principal officer shall conduct the business of the said department in fuch manner, as the Prefident of the United States shall from time to time order or instruct.

Principal clerk, his duty. Sec. 2. And be it further enacted, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy, have the charge and custody of all

records, books and papers, appertaining to the faid department.

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Sec. 3. And be it further enacted, That the faid principal officer, and every other person fice. to be appointed or employed in the faid department, shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him.

Sec. 4. And be it further enacted, That the sec'ry to Secretary for the Department of War, to be ap- take charge pointed in confequence of this act, shall forth- &c. of war with after his appointment, be entitled to have department the custody and charge of all records, books and papers in the office of Secretary for the Department of War, heretofore established by the United States in Congress affembled.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August 7th, 1789:

GEORGE WASHINGTON. President of the United States.

## CHAPTER VIII.

An Act to provide for the Government of the Territory North-West of the River Ohio.

Recital.

WHEREAS in order that the ordinance of the United States in Congress affembled, for the government of the territory north-west of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present constitution of the United States:

Section 1. Be it enacted by the Senate and

Governor to make communication to the Prefident of the United States.

House of Representatives of the United States of America in Congress assembled, That in all cafes in which by the faid ordinance, any information is to be given, or communication made by the Governor of the faid territory to the United States in Congress affembled, or to any of their officers, it shall be the duty of the faid Governor to give fuch information and to make fuch communication to the Prefident of the United States; and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which by the faid ordinance were to have been appointed by the United States in Congress affembled, and all officers fo appointed, shall be commissioned by him; and in all cases where the United States in Congress affembled,

Officers, how to be appointed.

Commiffioned and removed,

Sec. 2. And be it further enacted, That in case of the death, removal, resignation, or necessary absence of the Governor of the said territory, the Secretary thereof shall be, and he

ers of revocation and removal.

might, by the faid ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same pow-

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is hereby authorifed and required to execute in eates of all the powers, and perform all the duties of moval, acc. the Governor, during the vacancy occasioned secretary to by the removal, refignation or necessary abfence of the faid Governor.

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FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and Prefident of the Senate.

APPROVED, August the 7th, 1789:

GEORGE WASHINGTON.

President of the United States

## CHAPTER IX.

as the Profident of the United States frail

An Act for the Establishment and Support of Light-Houses, Beacons, Buoys, and public Piers.

Section 1. DE it enacted by the Senate and House of Representatives of the Expences United States of America in Congress assembled, That all expences which shall accrue from and to be deafter the fifteenth day of August, one thousand frayed out feven hundred and eighty-nine, in the necessary of treasury support, maintenance and repairs of all lighthouses, beacons, buoys and public piers, erected, placed, or funk before the passing of this act, at the entrance of, or within any bay, inlet, harbour, or port of the United States, for rendering the navigation thereof eafy and fafe, VOL. I.

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shall be defrayed out of the treasury of the Provided a United States: Provided nevertbeles, That made with none of the faid expences shall continue to be in one year. fo defrayed by the United States, after the expiration of one year from the day aforefaid, unless fuch light-houses, beacons, buoys and public piers, shall in the mean time be ceded to, and vested in the United States, by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

Light house to be erected near entrance of Chesapeake Bay.

Sec. 2. And be it further enacted, That a light-house shall be erected near the entrance of the Chesapeake-Bay, at such place, when ceded to the United States in manner aforefaid, as the Prefident of the United States shall direct.

Secretaryof building, repairing,

Sect. 3. And be it further enacted, That it secretary of shall be the duty of the Secretary of the Treas contract for fury to provide by contracts, which shall be approved by the President of the United States, when for building a light-house near the entrance of Chelapeake-Bay, and for rebuilding when netellary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the feveral states, and for furnishing the same, with all necessary supplies; and also to agree for the falaries, wages, or hire of the person or persons appointed by the President, for the superintendance and care of the fame.

Pilotsto be regulated

Sect. 4. And be it further enacted, That all pilots in the bays, inlets, rivers, harbours and by the exist- ports of the United States, shall continue to be ing laws of regulated in conformity with the existing laws tive states. of the states respectively wherein such pilots may be, or with fuch laws as the states may respectively hereaster enact for the purpose, until further legislative provision shall be made by Congress.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the 7th, 1780 and to tor, a streatutet, a

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ment and management of the revenue, and for

Soc. 2. And to it frober enacted, That is

An Act providing for the Expences which may attend Negociations or Treaties with the Indian Tribes, and the Appointment of Commissioners for managing the same. 10 boduldade si

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the Legislature, in perion or in with An Ad for registering and clearing Vessels, regulating the Coasting Trade, and for other Sed northwest savieted Purposes.

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## An Act to establish the Treasury Department.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress essembled, That there shall be a department of Treasury, in which shall be the following officers, namely; a Secretary of the Treasury, to be deemed head of the department; a Comptroller, an Auditor, a Treasurer, a Register, and an Assistant to the Secretary of the Treasury, which Assistant shall be appointed by the said Secretary.

Officers therein,

Department defig-

nated.

Duties of the fecreta-

Sec. 2. And be it further enacted, That it shall be the duty of the Secretary of the Treafury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue, and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making returns, and to grant under the limitations herein established, or to be hereafter provided, all warrants for monies to be iffued from the Treafury, in pursuance of appropriations by law; to execute fuch fervices relative to the fale of the lands belonging to the United States, as may be by law required of him; to make report, and give information to either branch of the Legislature, in person or in writing (as he may be required,) respecting all matters referred to him by the Senate or House of Reprefentatives, or which shall appertain to his office; and generally to perform all fuch fervices relative to the finances, as he shall be directed to perform.

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Sec. 3. And be it further enacted, That it Duties, of shall be the duty of the Comptroller to Super-troller. intend the adjustment and prefervation of the public accounts; to examine all accounts fettled by the Auditor, and certify the balances arifing thereon to the Register; to counterfign all warrants drawn by the Secretary of the Treafury, which shall be warranted by law; to report to the Secretary the official forms of all papers to be iffued in the different offices for collecting the public revenue, and the manner and form of keeping and flating the accounts of the feveral persons employed therein: He shall moreover provide for the regular and punctual payment of all monies which may be collected; and shall direct profecutions for all delinquen cies of officers of the revenue, and for debts: that are, or shall be due to the United States.

Sec. 4. And be it further enacted, That it of the fiall be the duty of the Treasurer to receive treasurer. and keep the monies of the United States, and to difburfe the fame upon warrants drawn by the Secretary of the Treasury, counterligned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all monies paid by him, and all receipts for monies received by him, shall be endorsed upon warrants figned by the Secretary of the Treafury, without which warrant fo figned, no acknowledgment for money received into the public treasury shall be valid. And the said Treasurershall render his accounts to the Comptroller quarterly (or oftener if required,) and shall transmit a copy thereof, when settled, to the Secretary of the treasury. He shall moreover, on the third day of every fession of Congress, lay before the Senate and House of Representatives, fair and accurate copies of all

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Duties of accounts by him from time to time rendered to, and fettled with the Comptroller as afore faid, as also, a true and perfect account of the state of the treasury. He shall at all times submit to the Secretary of the Treasury, and the Comptroller, or either of them, the inspection of the monies in his hands; and shall, prior to the entering upon the duties of his office, give bond, with fufficient fureties, to be approved by the Secretary of the Treasury and Comptroller, in the furn of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the fluties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treafury of the United States.

Of the auditor.

Sec. 5. And be it further enacted, That it shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts with the vouchers and certificate to the Comptroller for his decision thereon: Provided, That if any person whose account shall be so audited, be diffatisfied therewith, he may within fix months appeal to the Comptroller against such settlement.

Of the regifter.

Sec. 6. And be it further enacted, That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comp troller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates: to record all warrants for the receipt or payment of monies at the treasury, certify the same thereon,

and to transmit to the Secretary of the Treafury, copies of the certificates of balances of accounts adjusted as is herein directed.

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Sec. 7. And be it further enacted, That whenever the Secretary shall be removed from removed or office by the Prefident of the United States, or in any other case of vacancy in the office of tantto have Secretary, the affiltant shall, during the vacan- custody of record, &c. cy, have the charge and custody of the records, books, and papers appertaining to the faid office.

Secretary his office

Sec. 8. And be it further enacted, That no Perforsapperson appointed to any office instituted by pointed to this act, shall directly or indirectly be concern- office under ed or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any fea veffel, or purchase by him-prohibition felf, or another in trust for him, public lands upon. or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take or apply to his own use, any emolument or gain for negociating or transacting any bufinels in the faid department, other than what ty for shall be allowed by law; and if any person breach of shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter incapable of holding any office under the United States: Provided, That if any other person than a public prosecutor shall give information of any such offence, upon which a profecution and conviction shall be had, one half the aforelaid penalty of three

this act,

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thousand dollars, when recovered, shall be for the use of the person giving such information. ei

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FREDERICK AUGUSTUS MUHLENFERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

GEORGE WASHINGTON,
President of the United States.

# CHAPTER XIII.

An Act for establishing the Salaries of the Executive Officers of Government, with their Assitants and Clerks.

Annual falaries established, payable quarterly;

rate of, and to what officers allowed,

Section 1. D E it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That there shall be allowed to the Officers hereafter mentioned, the following annual falaries, payable quarterly at the treasury of the United States: To the Secretary of the Treasury, three thousand five hundred dollars: To the Secretary in the department of state, three thousand five hundred dollars: To the Secretary in the department of war, three thousand dollars: To the Comptroller of the treasury, two thousand dollars: To the Auditor, fifteen hundred dollars: To the Treasurer, two thousand dollars: To the Register, twelve hundred and fifty dollars: To the Governor of the western territory, for his falary as fuch, and for discharging the duties of superintendant of Indian affairs in the northern department, two thousand dollars: To the three judges of the western territory, each

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eight hundred dollars: To the affiftant of the Secretary of the Treasury, fifteen hundred dollars: To the chief clerk in the department of state, eight hundred dollars: To the chief clerk in the department of war, fix hundred dollars: To the Secretary of the western territory, seven hundred and fifty dollars: To the principal clerk of the Comptroller, eight hundred dollars: To the principal clerk of the Auditor, fix hundred dollars: To the principal clerk of the Treafurer, fix hundred dollars.

Sec. 2. And be it further enacted, That the Heads of heads of the three departments first above men-departtioned, shall appoint such clerks therein respec- appoint tively as they shall find necessary; and the sala- clerks; ry of the faid clerks respectively shall not exceed their fala; the rate of five hundred dollars per annum.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

Approved, September the 11th, 1789:

GEORGE WASHINGTON, President of the United States.

## CHAPTER XIV.

An Act to provide for the Safe-keeping of the Acts, Records, and Seal of the United States, and for other Purposes.

Section 1: E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Executive Department, denominated VOL. I.

ment of fo- the Department of Foreign Affairs, shall here reignaffairs after be denominated the Department of State, changed to and the principal officer therein shall hereafter be called the Secretary of State.

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Sec. 2. And be it further enacted, That whenever a bill, order, refolution or vote of the Se-Additional nate and House of Representatives, having been figned the approved and figned by the Prefident of the sccretary of United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the faid Secretary from the Prefident: and whenever a bill, order, resolution or vote, shall be returned by the President with his, objections, and shall, on being reconsidered, be agreed to be paffed, and be approved by twothirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate, or the Speaker of the House of Representatives, in which soever House it shall last have been so approved; and the said Secretary shall, as foon as conveniently may be, after he shall receive the same, cause every such law, order, refolution, and vote, to be published in at least three of the public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be fent to the executive authority of each state; and he shall carefully preserve the originals, and shall cause the same to be recorded in books to be provided for the purpose.

Sec. 3. And be it further enacted, That the Seal of the feal heretofore used by the United States in Congress affembled, shall be and hereby is declared to be the feal of the United States.

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Sec. 4. And be it further enacted, That the Secre'ry to faid Secretary shall keep the faid feal, and shall, fix the feat make out and record, and shall affix the faid to all civil feal to all civil commissions, to officers of the sions. United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the Prefident alone. Provided, That the faid feal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the speci-

Sec. 5. And be it further enacted, That the Secre'ry to faid Secretary shall cause a seal of office to be seal of office. made for the faid department, of fuch device as the President of the United States shall approve, and all copies of records and papers in the faid office, authenticated under the faid feal, shall be evidence equally as the original record or paper.

al warrant of the President therefor.

Sec. 6. And be it further enacted, That there Fees of of. shall be paid to the Secretary, for the use of the paid for the United States, the following fees of office, by use of the the persons requiring the services to be per- States. formed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit: For making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the feal of office, twentyfive cents.

Sec. 7. And be it further enacted, That the Secretary to laid Secretary shall forthwith after his appoint- dy of papers es in ment, be entitled to have the custody and charge &c. of late of the faid seal of the United States, and also Congress. of all books, records and papers, remaining in the office of the late Secretary of the United

States in Congress assembled; and such of the faid books, records and papers, as may appertain to the treasury department, or war department, shall be delivered over to the principal officers in the said departments respectively, as the President of the United States shall direct.

FREDERICK AUGUSTUS MUHLENBERG.

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

Approved, September the 15th, 1789:

GEORGE WASHINGTON,
President of the United States.

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## CHAPTER XV.

An Act to suspend Part of an Act, entitled, "An Act to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandizes, imported into the United States," and for other Purposes.

(EXPIRED.)

### CHAPTER XVI.

An Act for the temporary Establishment of the Post-Office.

(EXPIRED.)

#### CHAPTER XVII.

An Act for allowing Compensation to the Members of the Senate and House of Representatives of the United States, and to the Officers of both Houses. forthand contin , 2570. 6 1 hat edito

(EXPIRED.)

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# CHAPTER XVIII.

An Act for allowing certain Compensation to the Judges of the Supreme and other Courts, and to the Attorney-General of the United States.

Section 1. DE it enacted by the Senate and Salaries of House of Representatives of the chief justices United States of America in Congress assembled, of the su-That there shall be allowed to the judges of the preme court fupreme and other courts of the United States, and diffrict the yearly compensations herein after mentioned, to wit; to the chief justice, four thousand dollars; to each of the justices of the supreme court, three thousand five hundred dollars; to the judge of the district of Maine, one thousand dollars; to the judge of the diffrict of New-Hampshire, one thousand dollars; to the judge of the district of Massachusetts, twelve hundred dollars; to the judge of the district of Connecticut, one thousand dollars; to the judge of the district of New-York, fifteen hundred dollars; to the judge of the district of New-Jersey, one thousand dollars; to the judge of the district of Pennfylvania, fixteen hundred dollars; to the judge of the district of Delaware, eight hundred dollars; to the judge of the district of Maryland, fifteen hundred dollars; to the judge of the district of Virginia, eighteen hundred dol-

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lars; to the judge of the district of Kentucky, one thousand dollars; to the judge of the district of South-Carolina, eighteen hundred dollars; to the judge of the district of Georgia, fifteen hundred dollars; and to the attorney-general of the United States, fifteen hundred dollars; which compensations shall commence from their respective appointments, and be paid at the treasury of the United States in quarterly payments.

Commencement of, and how payable.

> FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

Approved, September the 23d, 1789:

GEORGE WASHINGTON, President of the United States.

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### CHAPTER XIX.

An Act for allowing a Compensation to the Prefident and Vice-Prefident of the United States.

Vice-Preficompensaof, and how payable,

Section 17 DE it enacted by the Senate and House of Representatives of the President & United States of America in Congress assembled, dent of the That there shall be allowed to the President of U. States, the United States, at the rate of twenty-five tion to, com- thousand dollars, with the use of the furniture mencement and other effects, now in his possession, belonging to the United States; and to the Vice-Prefident, at the rate of five thousand dollars per annum, in full compensation for their respective fervices, to commence with the time of their entering on the duties of their offices refpectively, and to continue fo long as they shall remain in office, and to be paid quarterly out of the treasury of the United States.

FREDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives. 10HN ADAMS, Vice-President of the United States, and President of the Senate.

Approved, September the 24th, 1789:

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GEORGE WASHINGTON. President of the United States.

## CHAPTER

An Act to establish the Judicial Courts of the United States.

Section 1. DE it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, Supreme That the fupreme court of the United States justice, five shall consist of a chief justice and five affociate affociates. justices, any four of whom shall be a quorum, and shall hold annually at the feat of government two fessions, the one commencing the first Two fessions annual Monday of February, and the other the first ly. Monday of August. That the affociate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the fame day, according to their respective ages.

Sect. 2. And be it further enacted, That the Thirteen United States shall be, and they hereby are di-districts. vided into thirteen diffricts, to be limited and called as follows, to wit; one to confift of that part of the state of Massachusetts which lies eafterly of the state of New-Hampshire, and to

be called Main District; one to consist of the ftate of New-Hampshire, and to be called New-Hampshire District; one to consist of the remaining part of the state of Massachusetts, and to be called Massachusetts District; one to confift of the state of Connecticut, and to be called Connecticut District; one to confist of the state of New-York, and to be called New-York District; one to consist of the state of New-Jersey, and to be called New-Jersey Diftrict; one to confift of the state of Pennsylva-Their divi- nia, and to be called Pennsylvania District; one to confift of the state of Delaware, and to be called Delaware District; one to consist of the state of Maryland, and to be called Maryland District; one to confist of the state of Virginia, except that part called the District of Kentucky, and to be called Virginia Diffrict; one to confift of the remaining part of the state of Virginia, and to be called Kentucky District; one to confift of the state of South-Carolina, and to be called the South-Carolina District: and one to confift of the state of Georgia, and to be called Georgia District.

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Sec. 3. And be it further enacted, That there be a court called a District Court, in each of A district the aforementioned districts, to consist of one each diffrict judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually four fessions, the Four feff- first of which to commence as follows, to wit; ly in a dif- in the districts of New-York and of New-Jersey and when on the first, in the district of Pennsylvania on the fecond, in the district of Connecticut on the third, and in the district of Delaware on the fourth Tuesdays of November next; in the districts of Massachusetts, of Main, and of Maryland, on the first; in the district of Georgia,

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on the second, and in the districts of News Hampshire, of Virginia, and of Kentucky, on the third Tueldays of December next; and the other three felhons progressively in the respective districts on the like Tuesdays of every third calendar month afterwards, and in the district of South-Carolina, on the third Monday in March and September, the first Monday in July, and the fecond Monday of December of each and every year, commencing in December next; and that the district judge shall have pow- special diser to hold special courts at his discretion. That trice courts the stated district court shall be held at the places following, to wit, in the diffrict of Main, at Portland and Pownalborough alternately, beginning at the first; in the district of New-Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately, beginning at the first; in the district of Connecticut, alternately at Hartford and New-Haven, beginning at the first; in the district of New-York, at New-York; in the district of New-Jersey, alternately at New-Brunswick and Burlington, beginning at the first; In the diftrict of Pennfylvania, at Philadelphia and York-Town alternately, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburgh, beginning at the first; in the diftrict of Kentucky, at Harrodfburgh; in the

in the diffrict of Georgia, alternately at Savan- special nah and Augusta, beginning at the first; and courts,

VOL. I.

that the special courts shall be held at the same

district of South-Carolina, at Charleston; and

place in each diffrict as the stated courts, or in districts that have two, at either of them, in the discretion of the judge, or at such other place in the district, as the nature of the business and his discretion shall direct. And that in the diftricts that have but one place for holding the where re- district court, the records thereof shall be kept cords kept. at that place; and in districts that have two, at that place in each district which the judge shall appoint.

Three circuits,&how divided.

Sec. 4. And be it further enacted, That the before-mentioned diffricts, except those of Main and Kentucky, shall be divided into three circuits, and be called the eastern, the middle and the fouthern circuit. That the eastern circuit shall confist of the districts of New-Hampshire, Masfachusetts, Connecticut and New-York; that the middle circuit shall confist of the districts of New-Jersey, Pennsylvania, Delaware, Maryland and Virginia; and that the fouthern circuit shall consist of the districts of South-Carolina and Georgia, and that there shall be held annually in each diffrict of faid circuits, two courts which shall be called circuit courts, and shall confift of any two justices of the supreme court, and the district judge of such districts, any two of whom shall constitute a quorum: Provided, That no district judge shall give a vote in any case of appeal or error from his own decision; but may affign the reasons of such his decision.

Firft feffion of the cir-

Sec. 5. And be it further enacted, That the first session of the said circuit court in the sevecuit courts. ral districts shall commence at the times following, to wit; in New-Jersey on the second, in New-York on the fourth, in Pennfylvania on the eleventh, in Connecticut on the twenty-fecond, and in Delaware on the twenty-seventh days of April next; in Massachusetts on the

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third, in Maryland on the feventh, in South- First festion Carolina on the twelfth, in New-Hampshire on of the cirthe twentieth, in Virginia on the twenty-fecond, cuit courts. and in Georgia on the twenty-eighth days of May next, and the subsequent sessions in the respective districts on the like days of every fixth calendar month afterwards, except in South-Carolina, where the fession of the said court shall commence on the first, and in Georgia where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the fessions of the said circuit court shall be held in the district of New-Hampshire, at Portsmouth and Exeter alternately, beginning at the first; in the district of Massachusetts, at Boston; in the district of Connecticut, alternately at Hartford and New-Haven, beginning at the last; in the diffrict of New-York, alternately at New-York and Albany, beginning at the first; in the district of New-Jersey, at Trenton; in the district of Pennsylvania, alternately at Philadelphia and York-Town, beginning at the first; in the diffrict of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Annapolis and Easton, beginning at the first; in the diftrict of Virginia, alternately at Charlottefville and Williamsburgh, beginning at the first; in the district of South-Carolina, alternately " Columbia and Charleston, beginning arthe first; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first. And the circuit courts in all have power to hold special fessions for the trial of criminal causes at courts. any other time at their difcretion, or at the dif- special feecretion of the fupreme court.

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Supreme journed by justices, courts adjourned,

Sec. 6. And be it further enacted, That the fupreme court may, by any one or more of its one or more justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the marshal of the district until a quorum be convened; and that a district court in case of the inability of the judge to attend at the commencement of a fession, may by virtue of a written order from the faid judge directed to the marshal of the district, be adjourned by the faid marshal to such day, antecedent to the next stated session of the faid court, as in the faid order shall be appointed, and in case of the death of the faid judge, and his vacancy not being supplied, all process, pleadings and proceedings of what nature foever, pending before the faid court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his fuccesfor. Sec. 7. And be it enacted, That the supreme

Diffrict courts adjourned.

The courts have power court, and the district courts shall have power to appoint, clerks.

to appoint clerks for their respective courts, and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the faid clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit; "I, A. B. " being appointed elerk of do folemniy " fwcar or affirm, that I will truly and faithfully " enter and cord all the orders, decrees, judg-" ments and proceedings of the faid court, and "that I will faithfully and impartially discharge " and perform all the duties of my faid office, " according to the best of my abilities and un-"derstanding. So help me God." Which words, so help me God, shall be omitted in all

Their oa or affirmation.

cases where an affirmation is admitted instead of an oath. And the faid clerks shall also severally give bond with fufficient fureties, (to be approved of by the supreme and districts courts refpectively) to the United States, in the fum of two thousand dollars, faithfully to discharge the duties of his office, and feafonably to record the decrees, judgments and determinations of the court of which he is clerk.

Sec. 8. And be it further enacted, That the justices of the supreme court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit; "I, A. B. Oath of do folemnly fwear or affirm, that I will adminif- juffices of ter juffice without respect to persons, and do court and equal right to the poor and to the rich, and that judges of I will faithfully and impartially discharge and court. perform all the duties incumbent on me as

, according to the belt of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me

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Sec. 9. And be it further enacted, That the district courts shall have, exclusively of the courts excourts of the feveral states, cognizance of all clusive jucrimes and offences that shall be cognizable risdiction. under the authority of the United States, committed within their respective districts, or upon the high feas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term Original of imprisonment not exceeding fix months, is cognizance to be inflicted; and shall also have exclusive inmaritime original cognizance of all civil causes of admi- seizure un-Talty and maritime jurifdiction, including all derthe laws fizures under laws of impost, navigation or ted States trade of the United States, where the seizures

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are made, on waters which are navigable from the fea by veffels of ten or more tons burthen. within their respective districts as well as upon the high feas; faving to fuiters, in all cases, the right of a common law remedy, where the common law is competent to give it: And shall alto have exclusive original cognizance of all feizures on land, or other waters than as aforefaid made, and of all fuits for penalties and forfeitures incurred, under the laws of the United States. And shall also have cognizance, concurrent with the courts of the several states, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States fue, and the matter in dispute amounts, exclusive of costs, to the fum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the feveral states, of all fuits against confuls or vice-confuls, except for offences above the description aforesaid. And 'the trial Trial offact of issues in fact, in the districts courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

by jury.

Concurrent

jurifdiction

Kentucky diffrict court.

Sec. 10. And be it further enacted, That the district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and write of error, herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the supreme court in the same causes, as from a circuit court to the supreme court, and under the fame regulations. And the district court

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in Main district, shall besides the jurisdiction Main disherein before granted, have jurisdiction of all causes, except of appeals and writs of error herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court: And writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts in the same manner as from other diffrict courts to their respective circuit courts.

Sec. 11. And be it further enacted, That the Circuit circuit courts shall have original cognizance, ginal cogconcurrent with the courts of the feveral states, of all fuits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the fum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the fuit is between a citizen of the state where the fuit is brought, and a citizen of another state. And shall have exclusive cognizance of all crimes and offences cognizable under the Exclusive authority of the United States, except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested in one district for trial in another, in any civil action before acircuit or district court: And no civil suit hall be brought before either of faid courts against an inhabitant of the United States, by any original process in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the wit, nor shall any district or circuit court have tognizance of any fuit to recover the contents of any promiffory note or other chose in action

courts ori-

cognizance.

in favour of an assignee, unless a fuit might have been profecuted in fuch court to recover the faid contents if no affignment had been made, except in cases of foreign bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided.

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Circuit court appellate jusildiction.

Matter in dispute above sco dollars,

Sec. 12. And be it further enacted, That if a fuit be commenced in any state court against an alien, or by a citizen of the state in which the fuit is brought against a citizen of another state, and the matter in dispute exceeds the aforefaid fum or value of five hundred dollars. exclusive of costs, to be made to the satisfaction of the court; and the defendant shall, at the time of entering his appearance in such state court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the fuit is pending, or if in the district of Main, to the district court next to be holden therein, or if in Kentucky district, to the district court next to be holden therein, and offer good and fufficient furety for his entering in fuch court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special special bail was originally requisite therein, it shall then be the duty of the state court to accept the furety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforefaid, in fuch court of the United States, the cause shall there proceed in the fame manner as if it had been brought there by original process. And any attachment of the goods or estate of the defendant

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by the original process, shall hold the goods Attachor estate so attached, to answer the final judg- goods hold-ment in the same manner as by the laws of en to final fuch state they would have been holden to an judgment. fwer final judgment, had it been rendered by the court in which the fuit commenced. And if Title of land in any action commenced in a state court, the where vatitle of land be concerned, and the parties are luc exceeds citizens of the same state, and the matter in dispute exceeds the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear to the fatisfaction of the court, either party, before the trial, shallflate to the court and make affidavit if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a state, other than that in which the fuit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title to the land under a grant from the fate in which the fuit is pending; the faid adverse shall give fuch information, or otherwise not to be allowed to plead fuch grant, or give it in evidence upon the trial, and if he informs that he does claim under fuch grant, the party claiming under the grant first mentioned, may then, on motion, remove the cause for trial to the next circuit court to be holden in fuch district, or if in the district of Main, to the court next to be If in Mains holden therein; or if in Kentucky district, to tucky, the district court next to be holden thereing where caubut if he is the defendant, shall do it under the movable, ame regulations as in the beforementioned cale of the removal of a cause into such court by an alien: And neither party removing the

cause, shall be allowed to plead or give evidence Gaby jury. of any other title than that by him stated as aforefaid, as the ground of his claim. And the trial of iffues in fact in the circuit courts shall, in all fuits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury.

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Supreme court exclusive jurisdiction.

Sec. 13. And be it further enacted, That the supreme court shall have exclusive jurisdica tion of all controversies of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states, or aliens, in which latter case it shall have original but not exclufive jurisdiction. And shall have exclusively all fuch jurisdiction of suits or proceedings against ambaffadors or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a conful, or vice-conful, shall be a party. And the trial of iffues in fact in the fupreme court, in all actions at law against citizens of the United States, shall be by jury. The supreme court shall pellate ju. also have appellate jurisdiction from the circuit courts and courts of the feveral states, in the cases herein after specially provided for: And shall have power to iffue writs of prohibition to the diffrict courts, when proceeding as courts of admiralty and maritime jurifdiction, and writs of mandamus, in cases warranted by the principle and usages of law, to any courts ap-

Proceedings against public ministers.

court aprifdiction.

Sapreme

authority of the United States. Sec. 14. And be it further enacted, That all the beforementioned courts of the United States, hall have power to iffue writs of scire facials

pointed, or persons holding office, under the

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babeas corpus, and all other writs not specially provided for by statute, which may be necessa- the U. States ry for the exercise of their respective jurisdictions, and agreeable to the principles and usages &. of law. And that either of the justices of the fupreme court, as well as judges of the diffrict Juffices and courts, shall have power to grant writs of babe- judges same as corpus for the purpose of an enquiry into the cause of commitment. Provided, That writs of habeas corpus, shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the fame, or are necessary to be brought into court to teltify.

feire facias,

Sec. 15. And be it further enacted, That all Parties shall the faid courts of the United States, shall have produce books and p wer in the trial of actions at law, on motion writings, and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumitances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall to comply with fuch order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonluit; and if a defendant shall fail to comply with fuch order, to produce books or writings, it shall be lawful for the courts respectively on motion as aforesaid, to give judgment against him or her by default.

Sec. 16. And be it further enacted, That fuits in equity shall not be sustained in either quity limiof the courts of the United States, in any case ted.

where plain, adequate and complete remede may be had at law.

Courts of the U. States

Sec. 17. And be it further enacked, That all the faid courts of the United States shall have may grant power to grant new trials, in cases where there new trials. has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or as firmations, and to punish by fine or imprison. ment, at the discretion of said courts, all contempts of authority in any cause or hearing before the fame; and to make and establish all necessary rules for the orderly conducting bu finess in the said courts, provided such rule are not repugnant to the laws of the United States.

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Execution may be flay. ed in case.

Sec. 18. And be it further enacted, That when in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may on motion of either party, at the discretion of the court, and on such conditions for the fecurity of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of faid court, a petition for a new trial. And if fuch petition be there filed within faid term of forty-two days, with a certificate thereon from either of the judges of fuch court, that he allows the fame to be filed, which certificate he may make or refuse at his difcretion, execution shall of course be further stayed to the next session of faid court. And if a new trial be granted, the former judgment shall be thereby rendered void:

Sect. 19. And be it further enacted, That it shall be the duty of circuit courts, in causes in medy

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equity and of admiralty and maritime jurifdic-Fadstoap tion, to cause the facts on which they found cord. their fentence or decree, fully to appear upon the record either from the pleadings and decree itself, or a state of the case agreed by the parties, or their council, or if they difagree, by a flating of the case by the court.

Sec. 20. And be it further enacted, That Colls not where in a circuit court, a plaintiff in an action, allowed unoriginally brought there, or a petitioner in less recover equity, other than the United States, recovers less than the sum or value of five hundred dollars, or a libellant, upon his own appeal, less than the sum or value of three hundred dollars, he shall not be allowed, but at the difcretion of the court, may be adjudged to pay cofts.

Sec. 21. And be it further enacted, That Appeals from final decrees in a district court in causes where matof admiralty and maritime jurisdiction, where pute exthe matter in dispute exceeds the fum or value dollars. of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court, to be held in fuch diffrict. Provided nevertheless, That all such appeals from final decrees as aforesaid, from the district court of Main, shall be made to the circuit court, next to be holden after each appeal in the district of Maffachusetts.

Sec. 22. And be it further enacted, That fi- Final denal decrees and judgments in civil actions in a crees re-exdistrict court, where the matter in dispute ex- bove soceeds the fum or value of fifty dollars, exclufive of costs, may be re-examined, and reversed or affirmed in a circuit court, holden in the fame district, upon a writ of error, whereto shall be annexed and returned therewith at

the day and place therein mentioned, an au-

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thenticated transcript of the record, and asfignment of errors, and prayer for reverfal. with a citation to the adverse party, figned by the judge of fuch diffrict court, or a justice of the fupreme court, the adverse party having and fuits in at least twenty days notice. And upon a like equity ex- process, may final judgments and decrees in the of 2000 civil actions, and fuits in equity in a circuit court, brought there by original process, or removed there from courts of the feveral states. or removed there by appeal from a district court where the matter in dispute exceeds the fum or value of two thousand dollars, exclufive of costs, be re-examined and reversed or affirmed in the supreme court, the citation being in fuch case signed by a judge of such circuit court, or justice of the supreme court, and the adverse party having at least thirty days notice. But there shall be no reversal in elther court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as is in the nature of a demurrer, or for any error in fact. And error limi- writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, feme covert non compos mentis, or imprisoned, then within five years as aforefaid, exclufive of the time of fuch disability. And every give fecuri- justice or judge figning a citation on any writ of error as aforefaid, shall take good and fufficient fecurity, that the plaintiff in error shall profecute his writ to effect, and answer all damages and costs if he fail to make his plea good.

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Sec. 23. And be it further enacted, That a Write of erwit of error as aforefaid shall be a supersedeas ror of a feand stay execution in cases only where the writ, in lease. of error is ferved, by a copy thereof being lodged for the adverse party in the clerk's office, where the record remains, within ten days, Sundays exclusive, after rendering the judgment or, paffing the decree complained of. Until the expiration of which term of ten days, executions hall not iffue in any case where a writ of erfor may be a fuperfedeas; and whereupon fuch writ of error the supreme or a circuit court, hall affirm a judgment or decree, they shall adjudge or decree to the respondent in error jult damages for his delay, and fingle or double costs at their discretion.

Sec. 24. And be it further enacted, That Judgment when a judgment or decree shall be reversed or decree in a circuit court, fuch court shall proceed to render fuch judgment or pass such decree as the district court should have rendered or passed; and the supreme court shall do the same on reversals therein, except where the reverfal is in favour of the plaintiff, or petitioner in the original fuit, and the damages to be affeffed, or matter to be decreed, are uncertain, in which cale they shall remand the cause for a final deofion. And the supreme court shall not iffue Supreme execution in causes that are removed before court not them by writs of error, but shall fend a special iffue execumandate to the circuit court to award executon thereupon. toffer of her

Sec. 25. And be it further enacted, That a fi- where val al judgment or decree in any fuit, in the high. lidity of a et court of law or equity of a state in which questioned, decision in the fuit could be had, where is cause may drawn in question the validity of a treaty or mined latute of, or an authority exercised under the

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United States, and the decision is against their validity; or where is drawn in question the

validity of a flatute of, or an authority exercifed under any flate, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decifion is in favour of fuch their validity, or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially fet up or claimed by either party, under fuch clause of the faid constitution, treaty, statute or commission, may be re-examined and reverled or affirmed in the fupreme court of the United States upon a writ of error, the citation being figned by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a jultice of the fupreme court of the United States, in the same manner and under the fame regulations, and the writ shall have the fame effect, as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceeding upon Proceedings the reversal shall also be the same, except that on reverfal the supreme court, instead of remanding the cause for a final decision as before provided? may at their difcretion, if the cause shall have been once remanded before, proceed to a final decision of the fame, and award execution. No writs of But no other error shall be assigned or regard abovement ed as a ground of reverfal in any fuch case as tioned. aforefaid, than fuch as appears on the face of the record, and immediately respects the beforementioned questions of validity or construction of the faid constitution, treaties, statutes, commissions, or authorities in dispute.

error but as

Sec. 26. And be it further enacted, That in In cake of all causes brought before either of the courts forfeiture of the United States to recover the forfeiture the courts may give annexed to any articles of agreement, covenant, judgment bond or other speciality, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant, or upon demurrer, the court before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the fum for which Sum affect judgment should be rendered is uncertain, the fame shall, if either of the parties request it, be

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Sec. 27. And be it further enacted, That a Marshall marshal shall be appointed in and for each dif- appointed. trict for the term of four years, but shall be removeable from office at pleasure, whose duty it shall be to attend the district and circuit courts when fitting therein, and also the fupreme court in the district in which that court shall fit. And to execute throughout the diftrict, all lawful precepts directed to him, and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty. and to appoint as there shall be occasion, one or more deputies, who shall be removeable from office by the judge of the district court, or the circuit court fitting within the district, at the pleasure of either, and before he enters, on the duties of his office, he shall become bound for the faithful performance of the fame, by himself and by his deputies before the judge of the district court to the United States, jointly and severally with two good and sufficient fureties, inhabitants and freeholders of fuch district, to be approved by the district judge,

VOL. L.

His oath.

in the fum of twenty thousand dollars, and shall take before faid judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I, A. B. do folemnly fwear or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of during my continuance in faid office. and take only my lawful fees. So help me God."

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Marshal a party.

Sec. 28. And be it further enacted, That in all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof may appoint, and the perfon so appointed, is hereby authorifed to execute and return the fame. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwife specially removed; and shall execute the fame in the name of the deceased, until another marshal shall be appointed and sworn: And the defaults or misfeafances in office of fuch deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed, by the marshal who appointed them; and the executor or administrator of the deceased administra- marshal shall have like remedy for the defaults tor of de-ceased mar- and misseasances in office of such deputy or deputies during fuch interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his

Defaults of deputies.

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facceflor was appointed, and fworn or affirmed: And every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all fuch precepts as may be in their hands respectively at the time of fuch removal or expiration of office; and the marshal shall be held answera- Marshal's ble for the delivery to his fuccessor of all pri- power after foners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his fuccessor shall be appointed and qualified as the law directs.

Sec. 29. And be it further enacted, That in Cases pucases punishable with death, the trial shall be with death had in the county where the offence was com- to be had in mitted, or where that cannot be done without county. great inconvenience, twelve petit jurors at least shall be summoned from thence. And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each state respectively according to the mode of forming juries therein now practiced, fo far as the laws of the same shall render such defignation practicable by the courts or marshals of the United States; and the jurors shall have Jurors by the same qualifications as are requisite for ju- lot. fors by the laws of the state of which they are ctizens, to serve in the highest courts of law of fuch state, and shall be returned as there hall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favourable to an impartial trial, and so as not to incur an unnecesary expence, or unduly to burthen the citizens of any part of the district with such services.

Writs veoffice.

And writs of venire facios when directed by fromclerk's the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by fuch fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially ferve and return fuch writ. And when from challenges or otherwife there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such desect of jurors shall happen, return jurymen de talibus circumstantibus sufficient to complete the pannel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by fuch difinterested person as the court shall appoint.

Jurice de talibus, . U ..

Mode of proof,

Sec. 30. And be it further enacted, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater diftance from the place of trial than one hundred miles, or is bound on a voyage to fea, or is about to go out of the United States, or out of fuch district, and to a greater distance from the place of trial than as aforefaid, before the time of trial or is ancient or very infirm, the deposition of debencene. fuch perion may be taken de bene effe before any justice or judge of any of the courts of the

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United States, or before any chancellor, juftice or judge of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of counfel or attorney to either of the parties, or interested in the event of the cause, provided Adverse that a notification from the magistrate before party notiwhom the deposition is to be taken to the adverse party, to be present at the taking of the fame, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within one hundred miles of the place of fuch caption, allowing time for their attendance after notified, notless than at the rate of one day, Sundays exclusive, for every twenty miles travel. And in causes of admiralty and maritime jurisdiction, or other cases of seizure and mariwhen a libel shall be filed, in which an adverse time causes. party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforefaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or feizure of the fame, if known to the libellant. And every perion deposing as aforesaid shall be carefully examined and cautioned, and fworn or affirmed to Agent notitellify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the Depositions depositions so taken shall be retained by such retained. magistrate until he deliver the same with his own hand into the court for which they are

taken, or shall, together with a certificate of

the reasons as aforesaid of their being taken. and of the notice if any given to the adverse party, be by him the faid magistrate sealed up and directed to fuch court, and remain under his feal until opened in court. And any perfon may be compelled to appear and depofe as aforefaid in the fame manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and fatisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be fo done by the clerk of the court. And if an appeal be had, fuch testimony may be used on the trial of the fame, if it shall appear to the fatisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States, or to a greater diftance than as aforefaid from the place where the court is fitting, or that by reason of age, fickness, bodily infirmity or imprisonment, they are unable to travel and appear at court, Depositions but not otherwise. And unless the same shall unfed in case be made to appear on the trial of any cause, of fickness, with respect to witnesses whose depositions may have been taken therein, fuch depositions shall not be admitted or used in the cause. Provided, That nothing herein shall be construed to prevent any court of the United States from granting a dedimus potestatem to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice; which power they shall severally possess,

nor to extend to depositions taken in perpetuam

Appeal allowed.

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rei memoriam, which if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made, as a court of equity may, according to the usages in chancery direct to be taken.

Sec. 31. And be it enacted, That where any fuit shall be depending in any court of the United States, and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plain- Exempore tiff, petitioner, or defendant, in case the cause tor may of action doth by law furvive, shall have full profecute power to profecute or defend any fuch fuit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom fuch cause may be depending, is hereby empowered and directed to hear and determine the fame, and to render judgment for or against the executor or administrator, as the case may require. And if fuch executor or administrator having been duly ferved with a fcire facias from the office of the clerk of the court where fuch fuit is depending, twenty days beforehand, shall neglect or refuse to become a party to the fuit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit: And the executor or administrator who shall Executor become a party as aforefaid, shall, upon motion administrato the court where the fuit is depending, be have conentitled to a continuance of the same until the tinuance. next term of the faid court. And if there be Two plains two or more plaintiffs or defendants, and one tiffs. or more of them shall die, if the cause of action shall furvive to the surviving plaintiff or plaintiffs, or against the surviving defendant or

Surviving plaintiff may conti nue fuit,

defendants, the writ or action shall not be there. by abated; but fuch death being fuggefted up. on the record, the action shall proceed at the fuit of the furviving plaintiff or plaintiffs against the furviving defendant or defendants.

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Sec. 32. And be it further enacted, That no fummons, writ, declaration, return, process, Writs shall judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrefted, quashed or reversed, for any defect or want of form, but the faid courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in fuch writ, declaration or other pleading, return, process, judgment or course of proceeding whatfoever, except those only in cases of demurrer, which the party demurring shall specially fit down and express together with his demurrer as the cause thereof. And the faid courts respectively shall and may, by virtue courts may of this act, from time to time, amend all and amend imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon fuch conditions as the faid courts respectively shall in their discretion, and by their rules prefcribe.

Criminals United States arrefled by any justice of the peace.

Sec. 33. And be it further enacted, That for any crime or offence against the United States, against the the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found agreeably to the usual mode of process against offenders in nerel upthe ainft at no cefs. aufes **shall** for ourts ment atter ardform , reeedes of fhall with the irtué and ts of arty may nend ipon vely pret for ates. e of the Uni-

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such state, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognirance of the offence: And copies of the pro- Recognicess shall be returned as speedily as may be in- zance reto the clerk's office of fuch court, together with the clerk's the recognizances of the witnesses for their appearance to testify in the case; which recogmizances the magistrate before whom the examination shall be, may require on pain of imprisonment. And if such commitment of offender the offender, or the witnesses shall be in a dif-may be retrict other than that in which the offence is to moved by be tried, it shall be the duty of the judge of warrant. that district where the delinquent is imprisoned, seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses or either of them, as the case may be, to the diftrict in which the trial is to be had. And upon Bail admitall arrests in criminal cases, bail shall be admit-ted. ted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. And if a person committed by a justice of the supreme or a judge of a district Bail, how court for an offence not punishable with death, cafe. shall afterwards procure bail, and there be no judge of the United States, in the district to take the same, it may be taken by any judge of the supreme, or superior court of law of required by the Prelident of the Un-staft had

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Laws of Rates, rules

Sec. 34. And be it further enacted, I of decision, the laws of the feveral flates, except when the constitution, treaties or statutes of the Un ted States shall otherwise require or provide shall be regarded as rules of decision in tra at common law in the courts of the Unite States in cases where they apply.

Sec. 35. And be it further enacted, That

all the courts of the United States, the par-

ties may plead and manage their own cause personally or by the affistance of such counse 0

Parties manage their own cause.

> or attornies at law as by the rules of the fail courts respectively shall be permitted to manage and conduct causes therein. And there shall

be appointed in each district a meet perfor learned in the law to act as attorney for the United States in such district, who shall be fworn or affirmed to the faithful execution of his office, whose duty it shall be to profecut

in fuch district all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the supreme court in the district in which

that court shall be holden. And he shall receive as a compensation for his services such sees a shall be taxed therefor in the respective court

before which the fuits or profecutions shall be And there shall also be appointed a meet person learned in the law, to act as attorney-gener for the United States, who shall be sworn of

affirmed, to a faithful execution of his office; whose duty it shall be to profecute and conduct all fuits in the supreme court in which the Uni ted States shall be concerned, and to give h

advice and opinion upon questions of law who required by the President of the United State

or when requested by the heads of any of the

district.

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partments, touching any matters that may oncern their departments, and shall receive ich compensation for his services as shall by we be provided.

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Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United

States, and President of the Senate.

APPROVED, September the 24th, 1789:

expenses of the view little under the are and

ca and shirty fever thousand dollars

President of the United States.

## CHAPTER XXI.

In Act to regulate Processes in the Courts of the United States.

ment of the pennions to invalide on

(EXPIRED.)

## CHAPTER XXII.

An Act to explain and amend an Act, intituled,
"An Act for registering and clearing vessels,
Regulating the coasting Trade, and for other
Purposes."

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## White the Rank A To Take Hoo mind

An Act making Appropriations for the Service of the present Year. be

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An

Section 1. BE it enacted by the Senate and House of Representatives of the

propriations . money of civil lift and war department;

Specific ap- United States of America in Congress effembles That there be appropriated for the service of forexpences the prefent year, to be paid out of the monies which arise, either from the requisitions heretofore made upon the feveral states, or from the duties on import and tonnage, the following fums, viz. A fum not exceeding two hundred and fixteen thousand dollars for defraying the expences of the civil lift, under the late and present government; a fum not exceeding one hundred and thirty-feven thousand dollars for defraying the expences of the department of war; a fum not exceeding one hundred and ninety thousand dollars for discharging the charge war- warrants iffued by the late board of treating, rants of late and remaining unfatisfied; and a fum not extreatury, or ceeding ninety-fix thousand dollars for paying for pensions the pensions to invalids.

alfo to difboard of to invalids.

## FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and Prefident of the Sende.

APPROVED, September the sorth 1 2800

GEORGE WASHINGTON, President of the United States.

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### CHAPTER XXIV.

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An Act providing for the Payment of the Invalid Pensioners of the United States.

(EXPIRED.)

## CHAPTER XXV.

An Act to recognize and adapt to the Constitution of the United States the Establishment of the Troops raised under the Resolves of the United States in Congress assembled, and for other Purposes therein mentioned.

(EXPIRED.).

## CHAPTER XXVI

In Act to allow the Baron de Glaubeck the Prop of a Captain in the Army of the United States. (PRIVATE.)

## CHAPTER XXVII.

In Act to alter the Time for the next Meeting of Congress.

(EXPIRED.)

## HARTER

An Act problems for the Payment of the Invalid Penfioners of the United State.

Ling Street (Exercise) 18 4 20 W Toronto Annual Man

# CHAPLER XXV.

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## A A French E. Sout antitritie on CHAPTER XXVII.

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## A C T S

PASSED AT THE

SECOND SESSION

HAT OF THE

## FIRST CONGRESS

Carolinas ind dor TRE

United States of America,

BEGUN AND HELD AT THE CITY OF NEW-YORK,

On Monday the Fourth of January,

IN THE YEAR M, DCC, XC:

AND OF THE

Independence of the United States
THE FOURTEENTH.

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## A C T S

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United States of America,

REGUN AND HELD AT THE CITY OF NEW-YORK

On Monday the Fourth of January,

IN THE YEAR M, DCC, XC:

AND OF THE

Independence of the United States

## CHAPTERL

An Act for giving Effect to the Several Acts therein mentioned, in Respect to the State of North-Garolina, and other Purpofes.

out (REPEALED.)

ses with the ob

### CHAPTER II.

has there will Bolton han flui a

return the fame to tile! An Act providing for the Enumeration of the Inhabitants of the United States,

Section 1. DE it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That the marshals of the several districts of Marshals in the United States, shall be, and they are here-districts of by authorized and required to cause the num- the U. States ber of the inhabitants within their respective to take the districts to be taken; omitting in such enu- tion, and in meration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the fexes and colours of free persons, VOL. I.

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may appoint affiitants.

and the free males of fixteen years and up. wards from those under that age; for effect. ing which purpose the marshals shall have pow. er to appoint as many affiftants within their respective districts as to them shall appear neceffary; affigning to each affiftant a certain division of his district, which division shall confift of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their affistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of

marihals & affiftants to take an oath.

Form of the

do folemnly fwear (or affirm) that I will well and truly cause to be made, a a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, intituled, " An act providing for the enumeration of the inhabitants of the United States," according to the best of my ability." The oath or affirmation of an affiftant shall be, " I, A. B. do folemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of and make due return thereof to the faid marshal, agreeably to the directions of an act of Congress, intituled, "An Act providing for the enumeration of the inhabitants of the United States," according to the best of my ability." The

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enumeration shall commence on the first Mon- The coumsday in August next, and shall close within to comnine calendar months thereafter: The feveral mence and affiftants shall, within the faid mine months, transmit to the marshals, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall Returns to be made in a schedule, distinguishing the se- be by seheveral families by the names of their master, dule. miltress, iteward, overfeer, or other principal person therein, in manner following, that is to fay:

The number of persons within my division, appears in a schedule confisting of hereunto annexed, fubscribed by me this day of

A. B. affiftant to the marshal of

SCHEDULE of the whole Number of Persons within the Division allotted to A. B.

Form of the schedule.

heads of families.	Free white males of fix. teen years& upwards, including heads of fa-	males un- der fixteen years,	females,	free per-	
	milies.	noul f	com nistl	IC OL	003

Sec. 2. And be it further enacted, That every affiftant failing to make return, or mak- Affiffant ing a false return of the enumeration to the making false return marshal, within the time by this act limitted, penalty on. shall forfeit the fum of two hundred dollars.

Sec. 3. And be it further enacted, That the marshals to marshals shall file the several returns aforesaid, file return with the clerks of their respective district courts, with the who are hereby directed to receive and careful- the diffrie ly preserve the same: And the marshals ref- courts, and transmitthe

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aggregate amount thereof to the Prefident, on or before the 3791.

failing fo to do, penalty

pectively shall, on or before the first day September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each aft of Sept. description of persons within their respective diffricts. And every marshal failing to file the returns of his affiftants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the fame shall appear from faid returns, to the President of the United States, within the time limitted by this act, shall, for every fuch offence, forfeit the fum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the fame, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the profecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the feveral affiftants to be laid before them for their inspection.

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How recoverable,

Sec. 4. And be it further enacted, That every affiftant shall receive at the rate of one dolrate of com- lar for every one hundred and fifty persons by him returned, where fuch persons reside in the country, and where fuch persons reside in

Affiftants, penfation to.

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city, or town, containing more than five thoufand persons, such affistant shall receive at the rate of one dollar for every three hundred perfons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make fuch further allowance to the affiftants in fuch divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marthals thall receive as follows: The marthal of the district of Maine, two hundred dollars; the marshal of the district of New-Hampshire, two their com hundred dollars; the marshal of the district of pensation. Maffachufetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New-York, three hundred dollars; the marshal of the district of New-Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North-Carolina, three hundred and fifty dollars; the marshal of the district South-Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns, Lailly translitted

Sec. 5. Be it enacted, That every person

Rules for afcertaining refidence.

whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of refidence, shall be inferted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the faid first Monday in August next, and every person occafionally absent at the time of the enumeration, as belonging to that place in which he usually refides in the United States.

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Sec. 6. And be it further enacted, That each and every person more than fixteen years of fon of a fa- age, whether heads of families or not, belonging to any family within any division of a difaccount of trict made or established within the United States, shall be, and hereby is obliged to render to fuch affistant of the division, a true account if required, to the best of his or her knowledge, of all and every person belonging to fuch family respectively, according to the feveral descriptions aforesaid, on pain of forfeiting twenty dollars, to be fued for and recoand penalty vered by fuch affiftant, the one half for his own use, and the other half for the use of the United States.

for refuling.

Sec. 7. And be it further enacted, That each affiftant shall, previous to making his return to the marshal, cause a correct copy, figned by himself, of the schedule, containing the number of inhabitants within his division, to be be fet up at fet up at two of the most public places within the fame, there to remain for the inspection of all concerned; for each of which copies the faid affistant shall be entitled to receive two dollars, provided proof of a copy of the fehe-

Copies of the fchedule in each division to public places, and when.

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dule having been so set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, he shall forfeit the compensation by this act allowed him.

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FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives:

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the 1st, 1790:

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GEORGE WASHINGTON,
President of the United States.

### CHAPTER III.

An Act to establish an uniform Rule of Naturalization.

(REPEALED.)

## CHAPTER IV.

An Act making Appropriations for the Support of Government, for the Year one thousand seven hundred and ninety.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the monies arising from

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Appropriations of monies arifing from duties, for the civil lift;

the duties on imports and tonnage, the follow. ing fums, to wit: A fum not exceeding one hundred and forty-one thousand, four hundred and ninety-two dollars, and feventy-three cents, for defraying the expences of the civil lift, as estimated by the Secretary of the Treafury, in the statement annexed to his report made to the House of Representatives on the ninth day of January last, including therein the contingencies of the feveral executive officers. which are hereby authorized and granted; and alfo, a fum not exceeding one hundred and fifty-five thousand, five hundred and thirtyfeven dollars, and feventy-two cents, for defraying the expences of the department of war: and the farther fum of ninety-fix thoufand, nine hundred and feventy-nine dollars, and feventytwo cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

Penfions to

invalids.

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partment;

Ineidental expences of Congress.

Sec. 2. And be it further enacted, That all the expences arifing from, and incident to the felfions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the monies arising from the aforesaid duties on imports and tonnage.

charges of . government; for

Sec. 3. And be it further enacted, That the contingent Prefident of the United States be authorized to draw from the treasury a sum not exceeding ten thousand dollars, for the purpose of defray. ing the contingent charges of government, to be paid out of the monies arifing as aforefaid from the duties on imports and tonnage; and that he cause a regular statement and account of fuch expenditures to be laid before Congress at the end of the year.

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Sec. 4. And be it further enacted, That a fum certain fpenot exceeding one hundred and forty-feventhou- cific defand one hundred and fixty-nine dollars, and fifty-four cents, be appropriated out of the monies arifing as aforesaid from the duties on imports and tonnage, for discharging the demands which exist against the United States, as specified by the Secretary of the Treasury in his report made to the House of Representatives on the first of March instant, including therein a provision for building a light-house on Cape- for building a light Henry in the state of Virginia, and for defray, house on ing the expences arising, from the act, intituled, "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

mands; and

ing a light-Cape Hene

Sec. 5. And be it further enacted, That out of the aforefaid appropriation of one hundred and forty-feven thousand one hundred and fix- out of ty-nine dollars and fifty-four cents, the paym ent which cerof the following fums, not heretofore provi ded ments, not for by law, and estimated in the aforesaid report of the Secretary of the Treasury of the first of March instant, is hereby authorised and intended to be made, to wit: For the expences of the late office of foreign affairs, fix hundred and fifty dollars: To Roger Alden, for his fervices, including his office expences, and the allowance to his clerks, eight hundred and feventy-three dollars, and feventy cents: To the late commissioner for settling the accounts of the departments of the late quartermaster-general, and commissaries general of purchases and iffues, for his own and clerk's services, from the eighth of May to the first of August, one thousand seven hundred and eighty-nine, one thousand and ten dollars, and fifty-five cents: To the late commissioner for

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fettling the accounts of the late marine, clot ing, and hospital departments, for his own an clerk's fervices, from the eighth of May tot third of August, one thousand seven hundre and eighty-nine, fix hundred and twenty-eight dollars, and twenty-fix cents: To the late con missioner for adjusting the accounts of the cret and commercial committees of Congret for his falary from the first of July to the thin of August, one thousand seven hundred an eighty-nine, one hundred and feventy-four do lars, and fixteen cents: For defraying the traordinary expences of the late Prefident Congress, three hundred and eighteen dollar and fifty-three cents: For paying falaries the late loan-officers of the feveral states, fro the thirtieth day of June to the thirty-first day of December, one thousand seven hundred as eighty-nine, including office-charges, fix the fand feven, hundred and twenty-five dollars For paying the interest due on the loans made by the Secretary of the Treasury, two thousan four hundred and fourteen dollars, and fixt one cents.

Sec. 6. And be it further enacted, That it fum of one hundred and twenty dollars, be parout of the monies arising from the aforest duties on imports and tonnage, to Jehoiaki M'Toksin, in full compensation for his service as an interpreter and guide in the expedition commanded by major-general Sullivan, in the year one thousand seven hundred and sevent nine; and also the sum of ninety-six dollars to James Mathers and Gifford Dalley, each for services during the late recess of Congre

For Jehoiakim M'-Tokfin,

James Mathers, and G. Dalley.

Sec. 7. And be it further enacted, That I Prefident of the United States be authorised

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mpower the Secretary of the Treasury, if he Presidents hall deem it necessary, to make such loans as if necessary, may be requisite to carry into effect the forego-thorize ng appropriations, for the re-payment of which loans to make good he aforesaid duties on imports and tonnage these aphall be, and are hereby pledged.

propriati-

FREDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives.

10HN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March twenty-fixth, 1790:

GEORGE WASHINGTON, President of the United States.

#### CHAPTER V.

An Act to prevent the Exportation of Goods not duly inspected according to the Laws of the Several States.

Section 1. DE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, collectors. That the collectors and other officers of the &c. not to customs in the feveral ports of the United grant clear-States, be, and they are hereby directed to pay til a certificate of indue regard to the inspection-laws of the states specion is in which they may respectively act, in such man- produced. ner, that no veffel having on boatd goods liable to inspection, shall be cleared out until the master or other proper person shall have pro-

duced such certificate, that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, April the 2d, 1790:

GEORGE WASHINGTON,
President of the United States.

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### CHAPTER VI.

Recital of the deed of cellion, by the fenators of N. Carolina, to the United States; and An Act to accept a Cession of the Claims of the State of North-Gardina, to a certain District of Western Territory.

A DEED of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the state of North Carolina, to a district of territory therein described; which deed is in the words following, viz.

To all who shall fee these Presents.

We, the underwritten SAMUBL JOHNSTON and BENJAMIN HAWKINS, Senators in the Congress of the United States of America, duly and conflitutionally chosen by the Legislature of the state of North-Carolina, send greeting.

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WHEREAS the General Affembly of the fate of North-Carolina, on the of December, in the year of our Lord one thoufand feven hundred and eighty-nine, paffed an act, entitled, " An Act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

WHEREAS the United States in Congress affembled, have repeatedly and earnestly recommended to the respective states in the Union, of the act of claiming or owning vacant western territory, the legisla-to make cessions of part of the same, as a fur-state, by ther means, as well of hastening the extinguish- which the ment of the debts, as of establishing the harmo-the faid ny of the United States; and the inhabitants deed is of the faid western territory being also desirous authorised. that fuch cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this state, being ever defirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; Be it macted by the General Affembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Senators of this flate, in the Congress of the United States, or one of the Senators and any two of the Reprelentatives of this state in the Congress of the United States, are hereby authorifed, empowed and required to execute a deed or deeds on the part and behalf of this state, conveying to the United States of America, all right, title Boundaries and claim which this state has to the sovereignty and condi-and territory of the lands situated within the cossion. chartered limits of this state, west of a line becinning on the extreme height of the Stone

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and conditions of the ochon.

Boundaries Mountain, at the place where the Virginia line interfects it; running thence along the extreme height of the faid mountain, to the place where Wataugo River breaks throughit; thence a direct course to the top of the Yellow Mountain, where Bright's Road croffes the fame: thence along the ridge of faid mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of faid mountain, to where Nolichucky River runs through the fame; thence to the top of the Bald Mountain; thence along the extreme height of the faid mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the laid mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the faid mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the faid mountain, to the fouthern boundary of this state, upon the following express conditions, and subject thereto; that is to fay: First, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the afcertaining the proportion of this state with the United States, in the common expence occasioned by the late war. Secondly, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this state, for the officers and foldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the faid officers, their heirs and affigns respectively; and if the bounds of ginn

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the faid lands already prescribed for the officers Boundaries and foldiers of the continental line of this state, and condishall not contain a sufficient quantity of lands consof the fit for cultivation, to make good the feveral provisions intended by law, that fuch officer or foldier, or his affignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the faid bounds are appropriated, be permitted to take his quota, or fuch part thereof as may be deficient, in any other part of the faid territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the Governor for the time being, shall, and he is hereby required to perfect, from time to time, fuch titles, in fuch manner as if this act had never been paffed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right referved by any act or acts to persons fettled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforelaid, shall continue to be in full force, in the fame manner as if the cession had not been made, and as conditions upon which the faid lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled, "An act for opening the land-office for the redemption of specie and other certificates, and

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Boundaries fed in the year one thousand seven hundred and condi- and eighty-three, made his or their entry in tions of the the office usually called John Armstrong's office, and located the fame to any spot or piece of ground, on which any other person or perfons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees shall have leave, and be at full liberty to remove the location of fuch entry or entries, to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: Provided, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this state. Thirdly, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North-Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, That the territory fo ceded, shall be laid out and formed into a state or states, containing a fuitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages fet forth in the ordinance of the late Congress, for the government of the Western Territory of the United States; that is to fay, Whenever the Congress of the United States shall cause to be officially transmitted

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Vol. I.

to the executive authority of this state, an au- Boundaries thenticated copy of the act to be passed by the and condi-Congress of the United States, accepting the cession. cession of territory made by virtue of this act, under the express conditions hereby specified, the faid Congress shall at the same time assume the government of the faid ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy; Provided always, That no regulations made or to be made by Congress, shall tend to emancipate flaves. Fiftbly, That the inhabitants of the faid ceded territory shall be liable to pay such sums of money, as may, from taking their cenfus, be their just proportion of the debt of the United States, and the arrears of the requilitions of Congress on this state. Sixthly, That all persons indebted to this state, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay fuch debt or debts in the fame manner, and under the fame penalty or penalties as if this act had never been passed. Seventbly, That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this state, within eighteen months from the passing of this act, then this act shall be of no force or effect whatfoever. Eighthly, That the laws in force and use in the state of North-Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the fame shall be repealed, or otherwise

Boundaries and conditions of the cellion.

altered by the legislative authority of the faid territory. Nintbly, That the lands of non-refident proprietors within the faid ceded territory, shall not be taxed higher than the lands of residents. Tentbly, That this act shall not prevent the people now refiding fouth of French Broad, between the rivers Tenefee and Big Pidgeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this state, in and over the territory aforefaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Affembly, the day of December, A. D. 1789.

CHAs. JOHNSON, Sp. Sen. S. CABARRUS, Sp. H. C."

Now therefore know ye, That we, Samuer Johnston and Benjamin Hawkins, Senators aforefaid, by virtue of the power and authority committed to us by the faid act, and in the name, and for and on behalf of the faid state, do, by these presents convey, assign, transfer, and set over unto the United States of America, for the benefit of the said states, North-Carolina inclusive, all right, title, and claim which the said state hath to the sovereignty and territory of the lands situated within the chartered limits of the said state, as bounded and described in the above recited act of the General Assembly, to and for the uses and pur-

poses, and on the conditions mentioned in the faid act.

In witness whereof, we have hereunto subfcribed our names, and affixed our seals, in the senate-chamber, at New-York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the sourteenth year of the independence of the United States of America.

> SAM: JOHNSTON, (L. s.) BENJAMIN HAWKINS. (L. s.)

signed, fealed, and delivered in the presence of SAM: A. OTIS.

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he irBe it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and Accepted the same is hereby accepted.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, April the 2d, 1790:

GEORGE WASHINGTON, President of the United States.

### CHAPTER VII.

An Act to promote the Progress of useful Arts.

(REPEALED.)

### CHAPTER VIII.

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An Act further to suspend Part of an Act, intituled, Act to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandises, imported into the United States," and to amend the said Act.

(REPEALED.)

#### CHAPTER IX.

An Act for the Punishment of certain Crimes against the United States.

Treason, what cases shall be judged, how proved & punished; BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overtact of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death.

alfo of mifprision of treason. Sec. 2. And be it enacted, That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal and not as soon as may be disclose and make known the same to the President of the United States, or some one of the judges there.

of, or to the President or Governor of a particular state, or some one of the judges or justices hereof, fuch person or persons on conviction hall be adjudged guilty of misprision of treaon, and fhall be imprisoned not exceeding even years, and fined not exceeding one thouand dollars.

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Sect. 3. And be it enacted, That if any Murder in person or persons shall, within any fort, arse- a fort, arseal, dock-yard, magazine, or in any other nished with place or district of country, under the sole and death; xclusive jurisdiction of the United States, comnit the crime of wilful murder, fuch person or ersons on being thereof convicted, shall sufer death.

Sect. 4. And be it also enacted, That the ourt before whom any person shall be conviced of the crime of murder, for which he or and court he shall be fentenced to suffer death, may at may order heir diferetion, add to the judgment, that the body to be ody of fuch offender shall be delivered to a diffected. urgeon for diffection; and the marshal who is cause such sentence to be executed, shall acordingly deliver the body of fuch offender, afer execution done, to fuch furgeon as the ourt shall direct, for the purpose aforesaid: rovided, That fuch furgeon, or fome other erson by him appointed for the purpose, shall ttend to receive and take away the dead body t the time of the execution of fuch offender.

offender's

Sec. 5. And be it further enacted, That if Rescue of a ny person or persons shall, after such execu- ed for dison had, by force rescue or attempt to rescue section, puto body of fuch offender out of the custody for. f the marshal or his officers, during the coneyance of fuch body to any place for diffecon as aforefaid; or shall by force rescue er

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attempt to rescue such body from the house of any furgeon, where the fame shall have been deposited, in pursuance of this act; every perfon fo offending, shall be liable to a fine not exceeding one hundred dollars, and an imprisonment not exceeding twelve months.

Misprision of fclony what cales fhail be ludged, and how pumithed.

Sec. 6. And be it enacted, That if any perfon or perfons having knowledge of the actual commission of the crime of wilful murde or other felony, upon the high feas, or within any fort, arfenal, dock-yard, magazine, or other place or district of country, under the fole and exclusive jurisdiction of the United States, shall conceal, and not as foon as may be disclose and make known the same to some one of the judges or other persons in civil or miltary authority under the United States, or conviction thereof, fuch person or persons sha be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding three year and fined not exceeding five hundred dollar

how punished.

Sec. 7. And be it enacted, That if any per Manflaugh-terin afort, fon or perfons shall within any fort, arfend arfenal, &c. dock-yard, magazine, or other place or di trict of country, under the fole and exclusive jurisdiction of the United States, commit the crime of man-flaughter, and shall be there convicted, fuch perfon or perfons shall be in prisoned not exceeding three years, and find not exceeding one thousand dollars.

Piracy and thall be . ed and how pu. mithed.

Sec. 8. And be it enacted, That if any per what cases fon or persons shall commit upon the high sea or in any river, haven, bason or bay, out indged, the jurisdiction of any particular state, mu der or robbery, or any other offence which committed within the body of a county, would by the laws of the United States be punil

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ife of table with death; or if any captain or mariner of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandize to the value of fifty dollars, or yield up fuch ship or vessel. voluntarily to any pirate; or if any feaman hall lay violent hands upon his commander, hereby to hinder and prevent his fighting in defence of his ship or goods committed to his ruft, or shall make a revolt in the ship; evew fuch offender shall be deemed, taken and djudged to be a pirate and felon, and being hereof convicted, shall fuffer death: and the rial of crimes committed on the high feas, or nany place out of the jurisdiction of any paricular state, shall be in the district where he offender is apprehended, or into which he may first be brought.

> Sec. 9. And be it enacted, That if any ciizen shall commit any piracy or robbery foresaid, or any act of hostility against the United States, or any citizen thereof, upon he high fea, under color of any commission rom any foreign prince, or state, or on preence of authority from any person, such ofender shall, notwithstanding the pretence of my fuch authority, be deemed, adjudged and aken to be a pirate, felon, and robber, and on eing thereof convicted, shall suffer death.

Sec. 10. And be it enacted, That every erson who shall, either upon the land or Accessaries he feas, knowingly and wittingly aid and af- how pu-It, procure, command, counfel or advise any nithed. erson or persons, to do or commit any murder robbery, or other piracy aforefaid, upon le feas, which shall affect the life of such pern, and fuch person or persons shall there-

upon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, affisting, procuring, commanding, counselling or advising the same, either upon the land or the sea, shall be, and they are hereby declared, deemed and adjudged to be accessary to such piracies before the fact, and every such person being thereof convicted shall suffer death.

Sec. 11. And be it enacted, That after any murder, felony, robbery, or other piracy whatfoever aforefaid, is or shall be committed by any pirate or robber, every person who knowing that fuch pirate or robber has done or committed any fuch piracy or robbery, shall on the land or at fea receive, entertain or conceal any fuch pirate or robber, or receive or take into his custody any ship, vessel, good or chattels, which have been by any fuch pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed and adjudged to be accessory to such pirac or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

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Confederacy to become pirates, how punished; Sec. 12. And be it enacted, That if any feaman or other person shall commit manuscribing statement or endeavour to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, a with any goods, wares, or merchandize, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate knowing him to be such, or shall surnissuch pirate with any ammunition, stores of

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provisions of any kind, or shall fit out any veffel knowingly, and with a defign to trade with or fupply or correspond with any pirate or robber upon the feas; or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate or robber on the leas, knowing him to be guilty of any fuch piracy or robbery; or if any feaman shall confine the master of any ship or other veffel, or endeavour to make a revolt in fuch thip; fuch person or persons so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Sec. 13. And be it enacted, That if any Maining, person or persons, within any of the places what cases upon the land under the fole and exclusive judged, jurisdiction of the United States, or upon the and how high feas, in any wessel belonging to the United States, or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, flit the nofe, cut off the nofe or a lip, or cut off or difable any limb or member of any perfon, with intention in fo doing to maim or disfigure fuch person in any the manners before mentioned, then and in every fuch case the person or persons so offending, their counfellors, aiders and abettors (knowing of and privy to the offence aforesaid) shall on conviction, be imprisoned not exceeding feven years, and fined not exceeding one thousand dollars.

Sec. 14. And be it enacted, That if any perion or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falle VOL. I.

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Forgery, what cases shall be judged, and how punished.

ly made, altered, forged, or counterfeited, or willingly act or affift in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged, or counterfeited, and shall be thereof convicted, every such person shall suffer death.

stealing or fallifying a ny record, process, &c. how punished.

Sec. 15. And be it enacted, That if any perfon shall feloniously steal, take away, alter, falfify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means where of any judgment shall be reverfed, made voids or not take effect, or if any person shall acknowledge or procure to be acknowledged in any of the courts aforefaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or confenting to the fame, every fuch person or persons on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned not exceeding feven years, and whipped not exceeding thirty-nine stripes. Provided nevertheless, That this act shall not extend to the acknowledgement of any judgment or judgments by any attorney or attornies, duly admitted for any person or persons against whom any fuch judgment or judgments shall be had or given.

Exceptions.

Sec. 16. And be it enacted, That if any perfon within any of the places under the fole and exclusive jurisdiction of the United States, T

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or upon the high feas, shall take and carry Larceny, what cases away, with an intent to fleal or purloin the hall be personal goods of another; or if any person judged, and how puor persons, having at any time hereafter the nished. charge or cultody of any arms, ordnance, munition, shot, powder, or habiliments of war belonging to the United States, or of any victuals provided for the victualing of any foldiers, gunners, marines or pioneers, shall for any lucre or gain, or wittingly, advifedly, and of purpose to hinder or impede the service of the United States, embezzle, purloin or convey away any of the faid arms, ordnance, munition, that or powder, habiliments of war, or victuals, that then and in every of the cases aforefaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforefaid) shall, on conviction, be fined not exceeding the fourfold value of the property fo stolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the cafe may be, and the other moiety to the informer and profecutor; and be publicly whipped, not exceeding thirtymine stripes.

Sec. 17. And be it further enacted, That if Receivers any person or persons within any part of the of stolen jurisdiction of the United States as aforesaid, how pushall receive or buy any goods or chattels that nished. shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour or conceal any felons or thieves, knowing them to be so, he or they being of either of the faid offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed.

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Perjury .. now punifhed.

Sec. 18. And be it enacted, That if any perfon shall wilfully and corruptly commit perjury, or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any fuit, controverfy, matter or cause depending in any of the courts of the United States, or in any deposition taken pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding eight hundred dollars; and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until fuch time as the judgment fo given against the faid offender shall be reversed.

In profecutions for perjury, thall be fufficient to fet forth **fub**stance of

Sec. 19. And be it enacted, That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the the charge; oath or affirmation was taken, (averring fuch court, or person or persons to have a competent authority to administer the same) together with the proper averment or averments to fallify the matter or matters wherein the perjury or perjuries is or are affigned; without fetting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforefaid, and without fetting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

> Sec. 20. And be it further enacted, That in every presentment or indictment for suborna

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ion of perjury, or for corrupt bargaining or also, in procontracting with others to commit wilful and fecutions corrupt perjury, it shall be sufficient to set forth nation of the substance of the offence charged upon the perjury. defendant, without fetting forth the bill, aniwer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without fetting forth the commission or authority of the court, or person or persons before whom the persury was committed, or was agreed or promifed to be committed.

Sec. 21. And be it enacted, That if any perfon shall, directly or indirectly, give any sum or fums of money, or any other bribe, prefent or reward, or any promise, contract, obli- how pugation or fecurity, for the payment or delivery of any money, prefent or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any fuit, controverfy, matter or cause depending before him or them, and shall be thereof convicted, fuch person or persons so giving, promising, contracting or fecuring to be given, paid or delivered, any lum or fums of money, present, reward or other bribe as aforefaid, and the judge or judges who shall in any wife accept or receive the fame, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honor, trust or profit under the United States.

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Sec. 22. And be it enacted, That if any per- Persons obfon or persons shall knowingly and wilfully the execuobstruct, refift or oppose any officer of the tion of pro-United States, in ferving or attempting to cets, how

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ferve or execute any mesne process, or war. rant, or any rule or order of any of the cours of the United States, or any other legal of judicial writ or process whatsoever, or shall a fault, beat or wound any officer, or other perfon duly authorifed in ferving or executing any writ, rule, order, process or warran aforefaid, every person so knowingly and wilfully offending in the premifes, thall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars.

Refene of perions convicted, or before conviction, how pumithed.

Sec. 23. And be it further enacted, That if any person or persons, shall by force set at is berty, or refcue any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the faid crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall fuffer death: And if any person shall by force is at liberty, or refcue any person who before conviction shall stand committed for any of the capital offences aforefaid; or if any perfon or persons shall by force set at liberty, or rescue any person committed for or convided of any other offence against the United States, every person so offending, shall, on conviction, be fined not exceeding five hundred dallars, and imprisoned not exceeding one year.

tion to work corruption of flood, or forfeiture of estate.

and Mal Hol

No convic- Sec. 24. Provided always, and be it enaded, That no conviction or judgment for any of the offences aforefaid, shall work corruption of blood, or any forfeiture of estate.

> Sec. 25. And be it engeled, That if any with or process thall at any time hereafter be fued forth or prolecuted by any person or persons,

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any of the courts of the United States, or Process n any of the courts of the Officed States, or fued in any any of the courts of a particular state, or by courtof the ny judge or justice therein respectively, where or of a particular state or of any ambassador or other pubticular state c minister of any foreign prince or state, au- against a so-porised and received as such by the President ster, void; the United States, or any domestic or do- and nestic servant of any such ambassador or ther public minister, may be arrested or imisoned, or his or their goods or chattels be istrained, feized or attached, such writ or roces shall be deemed and adjudged to be tterly null and void to all intents, conftrucon and purposes whatfoever.

Sec. 26. And be it enacted, That in case ny person or persons shall sue forth or profe-ing the ute any fuch writ or process, such person or fame, how ersons, and all attornies or solicitors proseuting or foliciting in fuch case, and all offiers executing any fuch writ or process, being hereof convicted, shall be deemed violaters the laws of nations, and disturbers of the ublic repose, and imprisoned not exceeding ree years, and fined at the discretion of the purt.

persons fo-

Sec. 27. Provided nevertheless, That no cizen or inhabitant of the United States, who Certain all have contracted debts prior to his enter-cepted. g into the service of any ambassador or other ublic minister, which debts shall be still due d unpaid, shall have, take or receive any meht of this act, nor shall any person be occeeded against by virtue of this act, for wing arrested or sued any other domestic tvant of any ambaffador or other public mifter, unless the name of fuch servant be first gistered in the office of the Secretary of State, d by fuch Secretary transmitted to the mar-

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shal of the district in which Congress shall refide, who shall upon receipt thereof affix the fame in fome public place in his office, where to all persons may resort and take copies with out fee or reward.

Violation of duct, or to the person of public minister, how punithed.

Sec. 28. And be it enacted, That if any pera fafe con- fon shall violate any fafe-conduct or passport duly obtained and iffued under the authoris of the United States, or shall assault, strike wound, imprison, or in any other manner in fract the law of nations, by offering violence to the person of an ambassador or other pub lic minister, fuch person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the perfect or perfects half me torthe station

In cases of treason, prifoner shall have copy of indichment, lift of the

counsel,

Sec. 29. And be it enacted, That any per fon who shall be accused and indicted of tree fon, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the faid indictment, jury & wit- mentioning the names and places of abode of nesses, & fuch witnesses and jurors, delivered unto him at least three entire days before he shall be tri-In other ca- ed for the same; and in other capital offence, pital cases, copy of in- shall have such copy of the indictment and dictment & lift of the jury two entire days at least before jury; also the trial: And that every person so accused and indicted for any of the crimes aforefaid shall also be allowed and admitted to make his full defence by counfel learned in the law; and the court before whom fuch person sha be tried, or some judge thereof, shall, and they are hereby authorised and required in mediately upon his request, to affign to fuch person such counsel, not exceeding two, fuch person shall defire, to whom such counll re-

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fel shall have free access at all seasonable hours; and every fuch person or persons accused or indicted of the crimes aforesaid, shall be allowed and admitted in his faid defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they and process shall be tried, to compel his or their witnesses to compel to appear at his or their trial, as is usually dance of granted to compel witnesses to appear on the witnesses. profecution against them.

Sec. 30. And be it further enacted, That if In cases of any person or persons be indicted of treason or against the United States, and shall stand mute or tal offence, refuse to plead, or shall challenge peremptorily prisoner standing above the number of thirty-five of the jury; mute, or if any person or persons be indicted of any other of the offences herein before fet forth, for which the punishment is declared to be death, if he or they shall also stand mute or will not answer to the indictment, or challenge peremptorily above the number of twenty perfons of the jury; the court in any of the how to be cases aforesaid, shall notwithstanding proceed proceeded to the trial of the person or persons so stand- against. ing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

Sec. 31. And be it further enacted, That the No benefit benefit of clergy shall not be used or allowed, cases where upon conviction of any crime, for which, by the punishany statute of the United States, the punish- death. ment is or shall be declared to be death.

Sec. 32. And be it further enacted, That no person or persons shall be prosecuted, tried or punished for treason or other capital offence aforefaid, wilful murder or forgery excepted. VOL. I.

No profeor other capital of-fenceunless: indi@ment be found within 3 years, nor in other cases unless within 2 years;

unless the indictment for the same shall be found punishment by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be profecuted, tried or punished for any offence not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the fame shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: Provided, That nothing herein contained shall extend to any person or persons fleeing from justice.

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Punishment of death to be by hanging.

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Sec. 33. And be it further enacted, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, April the 30th, 1790:

GEORGE WASHINGTON President of the United States.

## CHAPTER X.

An Act for regulating the Military Establishment of the United States. (REPEALED.)

### CHAPTER XL

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An Act to prescribe the Mode in which the public Acts, Records, and judicial Proceedings, in each State, shall be authenticated so as to take Effect in every other State.

DE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acts of the acts, relegislatures of the several states shall be authen- cords and ticated by having the feal of their respective judicial states affixed thereto: That the records and ings of the judicial proceedings of the courts of any state, states, how shall be proved or admitted in any other court to be auwithin the United States, by the attestation of ted; and the clerk, and the feal of the court annexed, if there be a feal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the faid records and judi- the effect cial proceedings authenticated as aforefaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the state from whence the faid records are, or shall be taken.

Legislative **feveral** thentica-

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, May twenty-fixth, 1790:

GEORGE WASHINGTON, President of the United States.

### CHAPTER XII.

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An Act to provide for mitigating or remitting the Forfeitures and Penalties accruing under the Revenue Laws, in certain Cases therein mentioned.

Mitigation orremission of penalties be applied

Section 1. E it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, &c. how to That whenever any person who now is, or hereafter shall be liable to a fine, penalty or forfeiture, or interested in any vessel, goods, wares or merchandize, or other thing which may be subject to seizure and forfeiture, by force of the laws of the United States now exifting, or which may hereafter exist, for collecting duties of impost and tonnage, and for regulating the coasting trade, shall prefer his petition to the judge of the diffrict in which fuch fine, penalty or forfeiture may have accrued, truly and particularly fetting forth the circumstances of his case, and shall pray that the fame may be mitigated or remitted; the faid judge shall enquire in a fummary manner into the circumstances of the case, first caufing reasonable notice to be given to the person or persons, claiming such fine, penalty or forfeiture, and to the attorney of the United States for fuch diffrict, that each may have an opportunity of shewing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such enqury, to be flated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit fuch fine, penalty or forfeiture, or any part

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thereof, if in his opinion the fame was incurred without wilful negligence or any intention of fraud, and to direct the profecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon fuch terms or conditions as he may deem reafonable and just. Provided, That nothing Not to afherein contained shall be construed to affect feet cases of the right or claim of any person, to that part formations of any fine, penalty or forfeiture, incurred by breach of either of the laws aforefaid, which fuch person may be entitled to by virtue of the faid laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be affeffed and valued by the judge of the district, in a lummary manner.

Sec. 2. And be it further enacted, That this Continuact shall continue and be in force until the act. end of the next fession of Congress, and no longer.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, May twenty-fixth, 1790:

GEORGE WASHINGTON.

President of the United States.

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#### CHAPTER XIII.

An Act to continue in Force an Act paffed at the last Session of Congress, entitled, " An Aa to regulate Processes in the Courts of the United States."

(EXPIRED.)

#### CHAPTER XIV.

An Act for the Government of the Territory of the United States, fouth of the River Obio.

(EXPIRED.)

#### CHAPTER XV.

An Act for the Encouragement of Learning, by fecuring the Copies of Maps, Charts and Books, to the Authors and Proprietors of Such Copies, during the Times therein mentioned."

Authors of maps, books;

Section 1. DE it enacted by the Senate and House of Representatives of the charts and United States of America in Congress affembled, That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the

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copy-right of fuch map, chart, book or books, fhare or shares thereof; and any other perfon or persons, being a citizen or citizens of these United States, or residents therein, his and pure or their executors, administrators or assigns, chasers who hath or have purchased or legally acquired to have the the copy-right of any fuch map, chart, book foleright of or books, in order to print, reprint, publish or sec for 14 vend the same, shall have the sole right and years; liberty of printing, reprinting, publishing and vending fuch map, chart, book or books, for the term of fourteen years from the recording recording the title thereof in the clerk's office, as is the title, herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, adminifirators or affigns, shall have the fole right and liberty of printing, reprinting, publishing and vending fuch map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforefaid. And if, at the expiration of the faid term, the author or authors, or Alfo, if the any of them, be living, and a citizen or citi- end of that zens of these United States, or resident therein, the same exclusive right shall be continued further to him or them, his or their executors, admi- term of 14 niltrators or assigns, for the further term of tourteen years: Provided, he or they shall cause the title thereof to be a second time re- recording corded and published in the same manner as the title, is herein after directed, and that within fix months before the expiration of the first term of fourteen years aforefaid.

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Other perfons printing, &c. without confent of the author how to be proceeded against and punished.

Sec. 2. And be it further enacted, That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforefaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the confent of the author or proprietor thereof, first had and obtained in writing, figned in the presence of two or more credible witnesses; or knowing the fame to be fo printed, reprinted, or imported, shall publish, fell, or expose to fale, or cause to be published, fold, or exposed to fale, any copy of fuch map, chart, book or books, without fuch confent first had and obtained in writing as aforefaid, then fuch offender or offenders shall forfeit all and every copy and copies of fuch map, chart, book or books, and all and every sheet and sheets, being part of the fame, or either of them, to the author or proprietor of fuch map, chart, book or books, who shall forthwith destroy the same: And every fuch offender and offenders fhall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to fale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of fuch map, chart, book or books who shall fue for the fame, and the other moiety thereof, to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the fame is cognizable. Provided always, That

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Sec. 3. And be it further enacted, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or the benefit books, hath or have been already printed and of this act thall be obpublished, unless he shall first deposit, and in tained. all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the fame forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the faid author or proprietor, under the feal of the court, if he shall require the same.) " District of

to wit: Be it remembered, That on the in the day of year of the independence of the United States of America. A. B. of the faid diffrict, hath deposited in this office the title of a map, chart, book or books, (as the cafe may be) the right whereof he claims as author of proprietor, (as the case may be) in the words following, to wit: here infert the title in conformity to the act of the Congress of the United States, intituled, "An Act for the encouragement of learnng, by fecuring the copies of maps, charts, and books, to the authors and proprietors of uch copies, during the times therein mentioned." C. D. clerk of the district of for which the faid clerk shall be entitled to eceive fixty cents from the faid author or proprietor, and fixty cents for every copy uner feal actually given to fuch author or pro-VOL. I.

Conditions on which

prietor as aforefaid. And fuch author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspaper printed in the United States, for the space of four weeks.

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Authors to deliver a to the fecretary of ftate.

Sec. 4. And be it further enacted, That the author or proprietor of any fuch map, chart, their work book or books, shall, within fix months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

No prohibition againft importing, reprinting, &c. of foreign writings or publications.

Sec. 5. And be it further enacted, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurifdiction of the United States.

publishing manufcripts without confent of

Sec. 6. And be it further enacted, That Penalty for any person or persons who shall print or pub lish any manuscript, without the consent and approbation of the author or proprietor there of, first had and obtained as aforesaid, (if such the authors. author or proprietor be a citizen of, or reb dent in these United States) shall be liable to fuffer and pay to the faid author or proprietor all damages occasioned by fuch in jury, to be recovered by a special action of the case founded upon this act, in any court having cognizance thereof.

Perfons fued for any thing done under this an, may give

Sec. 7. And be it further enacted, That any person or persons shall be sued or profecuted for any matter, act or thing done under or by virtue of this act, he or the ro.

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FREDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, May the thirty-first, 1790:

GEORGE WASHINGTON. President of the United States.

## CHAPTER XVI.

An Act for finally adjusting and satisfying the Claims of Frederick William De Steuben.

(PRIVATE.)

## CHAPTER XVII.

An Act for giving Effect to an Act, intituled, " An Act to establish the Judicial Courts of the United States," within the State of North-Carolina.

Section 1. D E it enacted by the Senate and House of Representatives of the Judicial act pro United States of America, in Congress affembled, declared in force as to h in That the act, intituled, "An Act to establish N. Caroon on the judicial courts of the United States," shall linas the late of North Carolina and effect within the state of North-Carolina, as elsewhere within the United States.

Sec. 2. And be it further enacted, That do done aid state shall be one district, to be called District the North-Carolina district; and there shall be a court, its sessions and intrict court therein, to consist of one judge

fellions and

who shall reside in the district, and be called a district judge, and shall hold annually four fessions; the first to commence on the first Monday in July next, and the other three fef. fions progreffively on the like Monday of every third calendar month afterwards. The ftawhereheld, ted diffrict court shall be held at the town of Newbern.

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Circuit courts, their feifions, and

Sec. 3. And be it further enacted, That the faid district shall be, and the same is hereby annexed to the fouthern circuit: And there shall be held annually in the faid district two circuit courts; the first session of the circuit court shall commence on the eighteenth day of June next, the fecond fession on the eighth day of November next, and the subsequent selfions on the like days of every June and November afterwards, except when any of the days shall happen on a Sunday, and then the fession shall commence on the next day solwhere held, lowing. And the fessions of the said circuit courts shall be held at Newbern.

Salary of the judge.

Sec. 4. And be it further enacted, That there shall be allowed to the judge of the faid diftrict, the yearly compensation of fifteen hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States in quarterly payments.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, June the fourth, 1790:

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GEORGE WASHINGTON,

President of the United States.

### CHAPTER XVIII.

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. ited An Act supplemental to the Act for establishing the Salaries of the Executive Officers of Government, with their Affistants and Clerks.

E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the more ef- Secretary fectually to do and perform the duties in the appoint at Department of State, the Secretary of the faid additional department be, and is hereby authorized to clerk; with appoint an additional clerk in his office, who ryshall be allowed an equal falary, to be paid in the fame manner as is allowed by law to the chief clerk.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, June the fourth, 1790:

GEORGE WASHINGTON. President of the United States.

# CHAPTER XIX.

An Act for giving Effect to the several Acts, there, in mentioned, in respect to the State of Rhode-Mand and Providence Plantations.

(REPEALED.)

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## CHAPTER XX.

An Act for the Relief of Thomas Jenkins and Company.

(PRIVATE.)

### CHAPTER. XXI.

An Act for giving Effect to an Act, intituled, " An Act to establish the Judicial Courts of the United States," within the State of Rhode-Mand and Providence Plantations.

declared in force as to R. Iflan d.

Section 1. DE it enacted by the Senate and House of Representatives of the Judicial act United States of America in Congress affembled, That the act, intituled, " An act to establish the judicial courts of the United States," shall have the like force and effect within the flate of Rhode-Island and Providence Plantations, as elsewhere within the United States.

Diffrict court, its seffions, &

Sec. 2. And be it further enacted, That the faid state shall be one district, to be called Rhode-Island district: and there shall be a district court therein, to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four fessions; the first to commence on the first Monday in August next, and the other three fessions progressively on the like Monday of every third calendar month afterwards. stated district court shall be held alternately whereheld at the towns of Newport and Providence, beginning at the first.

Annexedto gaftern cir-

Sec. 3. And be it further enacted, That the faid district shall be, and the same is hereby annexed to the eastern circuit: And there

shall be held annually in the faid district two Circuit circuit courts; the first fession of the circuit ressons, & court shall commence on the fourth day of December next, the fecond fession on the fourth day of June next, and the subsequent sessions on the like days of every December and June afterwards, except when any of the days shall happen on a Sunday, and then the fession shall commence on the day following. And the fessions of the said circuit courts shall be held alternately at the faid towns of Newport and Providence, beginning at the laft.

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Sec. 4. And be it further enacted, That there shall be allowed to the judge of the said dif- salary of trict, the yearly compensation of eight hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States, in quarterly payments.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, June the twenty-third, 1790:

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GEORGE WASHINGTON,

President of the United States.

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# CHAPTER XXII.

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An Act providing the Means of Intercourse between the United States and foreign Nations.

Section 1. DE it enacted by the Senate and

Prefident authorized to draw 40,000 dol.

House of Representatives of the United States of America, in Congress assembled, That the Prefident of the United States shall be, and he hereby is authorized to draw from the treasury of the United States, a sum not exceeding forty thousand dollars annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of fuch persons as he shall commission to serve the United States in foreign parts, and for the expence incident to the business in which they may be employed. Provided, That exclusive of an outfit, which shall in no case exceed the amount of one year's full falary to the minister plenipotentiary or chargé des affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater fum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and other expences; nor a greater fum for the fame, than four thousand five hundred dollars per annum to a chargé des affaires; nor a greater fum for the fame, than one thoufand three hundred and fifty dollars per annum to the fecretary of any minister plenipotentiary. And provided also, That the Prefident shall account specifically for all such ex-

penditures of the faid money as in his judg-

ment may be made public, and also for the

amount of fuch expenditures as he may think

it adviseable not to specify, and cause a regu-

lar statement and account thereof to be laid

for outfit.

and falaries of ministers plenipotentiary, and

chargé des affaires, and

minister's secretary;

and to accountfpecifically. before Congress annually, and also lodged in the proper office of the treasury department.

Sec. 2. And be it further enacted, That continuthis act shall continue and be in force for the this act. space of two years, and from thence until the end of the next fession of Congress thereafter, and no longer.

# FREDERICK AUGUSTUS MUHLENBERG

Speaker of the House of Representatives. IOHN ADAMS, Vice-President of the United States and President of the Senate.

APPROVED, July the first, 1790:

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GEORGE WASHINGTON. President of the United States.

### HAPTER XXIII.

An Act to Satisfy the Claims of John M'Cord against the United States.

(PRIVATE.)

# HAPTER XXIV.

An Act for the Relief of Nathaniel Twining. (PRIVATE.)

### CHAPTER XXV

in Act for giving Effect to an Act, intituled, " An Act providing for the Enumeration of the Inhabitants of the United States," in refpect to the State of Rhode-Island and Providence Plantations.

E it enacted by the Senate and House of Representatives of the nited States of America in Congress assembled, hat the act passed the present session of Conels, intituled, "An Act providing for the VOK. I.

Act for enumeration declared in force as to R. Illand,

enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the state of Rhode. Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said state, as if the same were repeated and re-enacted in and by this present act.

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Salary of the marshal. Sec. 2. And be it further enacted, That the marshal of the district of Rhode-Island shall receive, in sull conpensation for the performance of all the duties and services consided to, and enjoined upon him by this act, one hundred dollars.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, July the fifth, 1790:

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GEORGE WASHINGTON,

President of the United States.

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# CHAPTER XXVI.

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An Act to authorize the Purchase of a Tract of Land for the Use of the United States.

DE it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That it shall be lawful for the President of the United States, and he is hereby authorized to cause to be purchased for the use of the United States, the whole or such part of that tract of land situate in the state of New-York, commonly called West-Point, as shall be by him judged requisite, for the purpose of such fortifications and garisons as may be necessary for the desence of the same.

Prefident authorifed to purchase Weft-Point for purpose of fortifications, &c.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, July the fifth, 1790:

GEORGE WASHINGTON.

President of the United States.

# CHAPTER XXVII.

In Ad further to provide for the Payment of the Invaild Pensioners of the United States.

(EXPIRED.)

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## CHAPTER XXVIII.

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An Act for establishing the temporary and permanent Seat of the Government of the United States.

Section 1. DE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Diffrict on That a district of territory, not exceeding ten miles square, to be located as hereafter dicepted for rected on the River Potomack, at some place between the mouths of the Eastern-Branch and Connogochegue, be, and the fame is hereby accepted for the permanent feat of the government of the United States; Provided nevertheless, That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government there. to, and until Congress shall otherwise by law provide.

flate laws, when to cease therein.

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Prefident to appoint commiffioners for locating the fame;

Sec. 2. And be it further enacted, That the Prefident of the United States be authorized to appoint, and by fupplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necesfary, three commissioners, who, or any two of whom, shall, under the direction of the Prefident, furvey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the diftrict fo defined, limited and located, shall be deemed the district accepted by this act, for the permanent feat of the government of the United States.

Sec. 3. And be it enacted, That the faid commissioners, or any two of them, shall have

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ower to purchase or accept such quantity who may of land on the eastern fide of the faid river, purchase or within the faid district, as the President shall grants of deem proper for the use of the United States, fand, and prior to and according to fuch plans as the President Dec. 1800 hall approve, the faid commissioners, or any provide building. two of them, shall, prior to the first Monday n December, in the year one thousand eight hundred, provide fuitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the United States.

Sec. 4. And be it enacted, That for defray- expence ing the expence of fuch purchases and build- thereof, ings, the President of the United States be au- how to be defrayed. thorized and requested to accept grants of KI XXX SXX money.

Sec. 5. And be it enacted, That prior to Prior to 10 the first Monday in December next, all offices Monday in attached to the feat of the government of the Dec. next, feat of go-United States, shall be removed to, and until vernment the faid first Monday in December, in the tobe removed to Phiyear one thousand eight hundred, shall remain ladelphia, at the city of Philadelphia, in the state of Penn- and so resylvania, at which place the session of Con- the year gress next ensuing the present shall be held.

Sec. 6. And be it enacted. That on the faid first Monday in December, in the year ber, 1800, one thousand eight hundred, the seat of the seat of gogovernment of the United States, shall, by vernment to be removirtue of this act, be transferred to the district ved to difand place aforefaid. And all offices attached trick accepted by to the faid feat of government, shall accord this act. ingly be removed thereto by their respective holders, and shall, after the faid day, ceafe to be exercised elsewhere; and that the necessary expence of such removal shall be de-

frayed out of the duties on imposts and ton nage, of which a fufficient fum is hereby ap. propriated.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, July the fixteenth, 1790:

GEORGE WASHINGTON,

President of the United States.

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## CHAPTER XXIX.

An Act for the Government and Regulation of Seamen in the Merchants Service.

Mafter and the mermicht:

Section's. DE it enacted by the Senate and House of Representatives of the mariners in United States of America in Congress affembled, chants fer- That from and after the first day of December vice to exe- next, every master or commander of any ship ping agree- or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state, to a port in any other than an adjoining state, shall, before he proceed on fuch voyage, make an agreement in writing or in print, with every feaman or mariner on board fuch thip or veffel fexcept fuch as shall be apprentice or servant to himfelf or owners) declaring the voyage or voy ages, term or terms of time, for which fuch feaman or mariner shall be shipped, And if ton

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ny master or commander of such ship or Master Gileffel shall carry out any seamen or mariner ing so to do, except apprentices or fervants as aforefaid) penalty. vithout such contract or agreement being first nade and figned by the feamen and mariners, ich mafter or eommander shall pay to every uch feaman or mariner the highest price or vages which shall have been given at the port r place where fuch feaman or mariner shall ave been shipped, for a similar voyage, within hree months next before the time of fuch hipping: Provided fuch feaman or mariner hall perform such voyage : or if not, then for uch time as he shall continue to do duty on poard fuch thip or westel; and shall moreover orfeit twenty dollars for every fuch feaman or mariner, one half to the use of the person proecuting for the same, the other half to the ale of the United States: and fuch feaman or mariner, not having figned fuch contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act. He asizement to year

Sec. 2. And be it enacted. That at the foot Mariner of every fuch contract, there shall be a me- failing to perform the morandum in writing, of the day and the agreement, hour on which fuch fearman or mariner, who what penalshall fo ship and subscribe, shall render them- to. selves on board, to begin the voyage agreed upon. And if any fuch feaman or mariner shall neglect to render himself on board the hip or vellel, for which he has shipped, at the time mentioned in fuch memorandum, and if the master, commander, or other officer of the hip or vessel, shall on the day on which such neglect happened, make an entry in the logbook of fuch ship or vessel, of the name of luch feaman or mariner, and shall in like man-

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ner note the time that he fo neglected to render himself (after the time appointed); every such feaman or mariner thall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages And if any fuch feaman or mariner shall wholly neglect to render himself on board of fuch fhip or veffel, or having rendered him. felf on board, shall afterwards defert and escape, so that the ship or vessel proceed to fea without him, every fuch feaman or mariner shall forfeit and pay to the master, owner or confignee of the faid thip or veffel, a fum equal to that which shall have been paid to him by advance at the time of figning the contract, over and besides the sum so advanced, both which fums shall be recoverable in any court, or before any jultice or justices of any state, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such feaman or mariner, or his furety or fureties, in case he shall have given furety to proceed the voyage.

Vessel, lea- Sec. 3. And be it enacted, That if the mate ky or unfit or first officer under the master, and a majoriher voyage, ty of the crew of any ship or vessel, bound on a what pro- voyage to any foreign port, shall, after the voyage shall be had is begun (and before the ship or vessel shall have for afcer left the land) discover that the said ship or veffel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provifions or stores, to proceed on the intended voyage, and shall require such unfitness to be enquired into, the master or commander shall upon the request of the faid mate (or other officer) and fuch majority, forthwith proceed to or stop at the nearest or most convenient

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port or place where fuch enquiry can be made, and shall there apply to the judge of the diftrict court, if he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him two or more of the faid crew who shall have made fuch request; and thereupon fuch judge or justice is hereby authorized and required to iffue his precept directed to three persons in the neighborhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board fuch ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him the faid judge or justice, in writing under their hands, or the hands of two of them, whether in any, or in what respect the faid hip or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necesfary; and upon fuch report the faid judge or justice shall adjudge and determine, and shall endorse on the faid report his judgment, whether the faid ship or vessel is fit to proceed on the intended voyage; and if not, whether fuch repairs can be made or deficiencies fupplied where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first failed, to be there refitted; and the mafter and crew shall in all things conform to the aid judgment; and the master or commander shall, in the first instance, pay all the costs of to paycosts such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the faid judge or justice. But if the complaint of the faid crew shall appear upon the faid re-Vol. I.

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port and judgment, to have been without four dation, then the faid master, or the owner or confignee of fuch thip or veffel, thall deduc on, n th the amount thereof, and of reasonable damages for the detention (to be afcertained by the faid judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended profes voyage, or after procuring such men, provi fions, stores, repairs or alterations as may be aged directed, the faid seamen or mariners, or either came of them, shall refuse to proceed on the voyage, lebt it shall and may be lawful for any justice of the peace to commit by warrant under his reservable. hand and feal, every fuch feaman or marine (who shall so refuse) to the common gaol of the county, there to remain without bail or mainprize, until he shall have paid double the fum advanced to him at the time of subscribing the contract for the voyage, together with fuch reasonable costs as shall be allowed by the faid justice, and inserted in the faid war rant, and the furety or fureties of fuch feaman or mariner (in case he or they shall have given any) Thall remain liable for fuch payment; nor shall any such feaman or mariner be difcharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their furety or fureties, for want of any form of commitment, or other previous proceedings. Provided, That fuffici ent matter shall be made to appear, upon the return of fuch habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

Sec. 4. And be it enacted, That if any person shall harbor or secrete any seaman of

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the four pariner belonging to any ship or vessel, know-penalty for them to belong thereto, every such perharboring runaway sole dand on, on conviction thereof before any court seamen. The city, town or county where he, she or hey may reside, shall forfeit and pay ten dolars for every day which he, she or they shall continue so to harbor or secrete such seaman or mariner, one half to the use of the person tended profecuting for the same, the other half to the provisite of the United States; and no sum exceeding one dollar, shall be recoverable from any either caman or mariner by any one person, for any oyage, selbt contracted during the time such seaman or mariner shall actually belong to any ship or the selfel, until the voyage for which such seaman or mariner engaged shall be ended.

Sec. 5. And be it cnacted, That is any sea-

Sec. 5. And be it enacted, That if any feabail or man or mariner, who shall have subscribed abtenting
belie the such contract as is herein before described, from duty,
before the state of the shall fo have shipped, withwested by out leave of the master or officer commanding ed against.

In war on board; and the mate, or other officer haveaman ing charge of the log-book, shall make an en-given try therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, fuch feaman or mariner shall forfeit three days pay for every day which he shall so absent himfelf, to be deducted out of his wages: but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he hall forfeit all the wages due to him, and all his goods and chattels which were on board the faid ship or vessel, or in any store where they may have been lodged at the time of his defertion, to the use of the owners of the ship

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er veffel, and moreover shall be liable to par to him or them all damages which he or the may fultain by being obliged to hire other feamen or mariners in his or their place, and fuch damages shall be recovered with costs in any court or before any justice or justice having jurifdiction of the recovery of debt to the value of ten dollars or upwards.

When and at what port entitled to wages;

Sec. 6. And be it enacted, That every feaman or mariner shall be entitled to demand demand his and receive from the mafter or commande of the ship or vessel to which they belong one third part of the wages which shall be due to him at every port where fuch ship or veste shall unlade and deliver her cargo before the voyage be ended, unless the contrary be expressly stipulated in the contract: and as foor as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every feaman or mariner shall be entitled to the wages which shall be then due according to his contract: and if fuch wage cover them shall not be paid within ten days after such if withheld discharge, or if any dispute shall arise between the master and seamen or mariners touching the faid wages, it shall be lawful for the judge of the district where the faid ship or vested shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to shew cause why process should not iffue against such ship or vessel, her tackle, furniture and apparel, according to the courle of admiralty-courts, to answer for the faid wages: and if the master shall neglect to appear, or appearing, shall not shew that the

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wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith fettled, in fuch case the judge or justice shall certify to the clerk of the court of the diffrict, that there is fufficient cause of complaint whereon to found admiralty-procefs, and thereupon the clerk of fuch court shall iffue process against the faid ship or vesfel, and the fuit shall be proceeded on in the faid court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to afcertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any scaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurifdiction, wherever any ship or vessel may be found, in case she shall have left the post of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to fea before the end of the ten days next after the delivery of her cargo or ballaft.

Sec. 7. And be it enacted, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the mas-

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Mariner ter, or officer commanding in the absence of any port or the master, it shall be lawful for any justice of hace, how peace within the United States (upon the comrended a plaint of the mafter) to iffue his warrant to painst and apprehend such deserter, and bring him before fuch justice; and if it shall then appear by due proof that he has figned a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, of the contract otherwife diffolved, and that fuch feaman or mariner has deferted the ship or yessel, or absented himself without leave, the faid juffice shall commit him to the house of correction or common gaol of the city, town or place, there to remain until the faid ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the faid mafter, he paying all the cost of such commitment, and deducting the fame out of the wages due to fuch feaman or mariner.

Every flip or veffel emitward ! bound, tobe lurnished with a medicine cheft;

Sec. 8. And be it enacled, That every ship or veffel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by fome apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same or some other apothecary, once at least in every year, and supplied with fresh medicines in the place of fuch as shall have been used or spoiled; and in default of having fuch medicine-chelt fo provided, and kept fit for use, the master or commander of fuch ship or vessel shall pro-

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vide and pay for all fuch advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of fuch fick feaman or mariner.

Sec. 9. And be it enacted, That every ship ships, &c. or vessel, belonging as aforesaid, bound on a bound voyage across the Atlantic ocean, shall, at Atlantic, the time of leaving the last port from whence what supfhe fails, have on board, well fecured under visions and deck, at least fixty gallons of water, one hun- be laid in dred pounds of falted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have Penalty for been fo provided, shall be put upon short al- failure. lowance in water, flesh or bread, during the voyage, the mafter or owner of fuch ship or vessel shall pay to each of the crew, one day's wages beyond the wages agreed on for every day they shall be so put to thort allowance, to be recovered in the fame manner as their ftipulated wages.

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FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, July the twentieth, 1790:

GEORGE WASHINGTON, Prefident of the United States.

#### CHAPTER XXX.

An Act imposing Duties on the Tonnage of Ships or Veffels.

Section 1. DE it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That upon all ships or vessels which after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and refpective duties following, that is to fay: On ships or vessels of the United States, at the rate of fix cents per ton; on ships or vessels built within the United States after the twentieth day of July last, but belonging wholly or in part to subjects of foreign powers, at the on all others rate of thirty cents per ton: on other. ships or vessels at the rate of fifty cents per ton.

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Tonnage on fhips or vellels of U. States;

on those of foreigners;

On thips or veffels of U. States, trading between difrict and diftrict;

Sec. 2. And be it further enacted, That the aforefaid duty of fix cents per ton, shall be also paid upon every ship or vessel of the United States which after the faid first day of September next, shall be entered in a district in one state from a district in another state, other than an adjoining state on the sea coast or on a navigable river, having on board goods, wares, and merchandize taken in one state to be delivered in another state: Provided, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries whilst employed therein, more than once a year:

Sec. 3. And be it further enacted, That upon every ship or vessel not of the United States, which after the faid first day of Sep-

tember next, shall be entered in one diffrict on this or from another diffrict, having on board goods; of U. States, wares and merchandize taken in, in one diff trading betrict to be delivered in another district, there trice & difhall be paid at the rate of fifty cents per trick.

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And whereas it is declared by the twentythird fection of the act, intituled, "An act foreign tonfor registering and clearing vessels, regula- nage hereing the coasting trade, and for other purposes," tofore ex-"That if any veffel of the burthen of twenty certain veltons or upwards, not having a certificate of U. States, registry or inrollment, and a license, shall be employed in coasting found trading between different districts, or trade and be employed in the bank or whale fisheries, fisheries, every fuch ship or vessel shall be subject to the fame tonnage and fees as foreign ships or veffels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in ases where the strict operation of new laws may have occasioned hardship and inconvenience:

Sec. 4. Be it therefore further enacted, That restitution nall cases in which the faid foreign duty to be made hall have been heretofore paid on thips or not dereffels of the United States, whether register- mandable at the time of payment or afterwards, in future. relitution thereof shall be made, and that no uch foreign duty shall hereafter be demanled on the faid ships or vessels.

Sec. 5. And be it further enacted, That the Repeal of d, intituled, "An act imposing duties on ton- former act. age," shall, after the faid first day of Septemer next be repealed, and shall thenceforth

Vol. I.

cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said as shall continue in force.

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FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senau.

APPROVED, July the twentieth, 1790:

GEORGE WASHINGTON,

President of the United States.

## CHAPTER XXXI.

An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian Tribes.

(EXPIRED.)

## CHAPTER XXXII.

An Act to amend the Act for the Establishment and Support of Light-Houses, Beacons, Buojs and public Piers.

(EXPIRED.)

# CHAPTER XXXII.

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An Act to regulate Trade and Intercourse with the Indian Tribes.

(REPEALED.)

#### CHAPTER XXXIV.

An Act making Provision for the Debt of the United States.

THEREAS justice and the support of public credit require, that provision should be made for fulfilling the engagements of the United States, in respect of their foreign debt, and for funding their domestic debt upon equitable and fatisfactory terms:

Section 1. BE it enacted by the Senate and House of Representatives of the United States of Duties on America in Congress assembled, That referving imports a out of the monies which have arisen since the tonnage aplast day of December last past, and which shall to pay inte-hereafter arise from the duties on goods, wares foreign and merchandize imported into the United debt & fu-States, and on the tonnage of thips or veffels, ture loans, referring the yearly fum of fix hundred thousand dol- fixty thoulars, or fo much thereof as may be appropri- fanddollars ated from time to time, towards the support for support of the government of the United States, and of governtheir common defence, the refidue of the faid monies, or fo much thereof, as may be neceffary, as the fame shall be received in each year, next after the fum referved as aforefaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by

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the United States in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, any law to the contrary notwithstanding. And provided, That nothing herein contained, shall he construed to annul or alter any appropriation by law made prior to the passing of this act.

For payment of interest and instalments of foreign debt,

And as new loans are and will be necessary for the payment of the aforesaid arrears of interest, and the instalments of the principal of the said foreign debt due and growing due, and may also be found expedient for effecting an entire alteration in the state of the same:

Prefident may make new loans and contracts.

Sec. 2. Be it further enacled, That the Prefident of the United States be, and he is hereby authorized, to caufe to be borrowed on behalf of the United States, a fum or fums, not exceeding in the whole twelve million of dollars; and that so much of this sum as may be necessary to the discharge of the faid arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the faid foreign debt be appropriated folely to those purposes: And the Prefident is moreover further authorized to cause to be made such other contracts respecting the said debt as shall be found for the interest of the faid states. Provided nevertheiefs, That no engagement nor contract shall be entered into which shall preclude the United

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States from reimburfing any fum or fums borrowed within fifteen years after the same shall have been lent or advanced.

And whereas it is defirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, confistently with good faith and the rights of the creditors; which can only be done by a voluntary loan on their part:

Sec. 3. Be it therefore further enacted, That Domestic a loan to the full amount of the faid domestic loaned debt, be, and the fame is hereby proposed; and its full that books for receiving fubfcriptions to the subscripfaid loan be opened at the Treasury of the tionsthere-United States, and by a commissioner to be be made; appointed in each of the faid states, on the first day of October next, to continue open until the last day of September following indufively; and that the fums which shall be subscribed thereto, be payable in certificates issued for the faid debt, according to their spede value, and computing the interest upon such as bear interest to the last day of December next, inclusively; which faid certificates hall be of these several descriptions, to wit:

Those issued by the register of the treasury.

Those issued by the commissioners of loans in the feveral states, including certificates given pursuant to the act of Congress of the second of January, one thousand seven hundred and leventy-nine, for bills of credit of the feveral emissions of the twentieth of May, one thouland seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

Those issued by the commissioners for the

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adjustment of the accounts of the quarter. mafter, commiffary, hospital, clothing, and marine departments.

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Those issued by the commissioners for the adjustment of accounts in the respective states.

Those iffued by the late and present paymaster general, or commissioner of army accounts.

Those iffued for the payment of interest, commonly called indents of interest.

And in the bills of credit iffued by the authority of the United States in Congress at fembled, at the rate of one hundred dollars in the faid bills, for one dollar in specie.

Subscribers domestic debt, what proportions of principal, rate of interms of payment

Sec. 4. And be it further enacted, That for paying in the whole or any part of any fum fubscribed to the faid loan, by any person or persons, or body-politic, which shall be paid in the prince pal of the faid domestic debt, the subscriber or fubscribers shall be entitled to a certificate, purterest and porting that the United States owe to the holder or holders thereof, his, her, or their affigm, entitled to a fum to be expressed therein, equal to twothirds of the fum fo paid, bearing an interest of fix per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the fum mentioned in fuch certificate; and to another certificate purporting that the United States owe to the holder or holders thereof, his, her or their affigns, a fum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the fum so paid, which after the year one thousand eight hundred shall bear an inarter-

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terest of fix per centum per annum, payable quarter yearly, and fubject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the fum mentioned in fuch certificate: Provided, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforefaid; but it shall be understood only that they have a right fo to do.

Sec. 5. And be it further enacted, That for Subscribers the whole or any part of any fum fubscribed paying in to the faid loan by any person or persons, or domestic debt, what body politic which shall be paid in the interest proportions of the faid domestic debt, computed to the of principal faid last day of December next, or in the faid terest, and certificates issued in payment of interest, compayment monly called indents of interest, the subscriential to. ber or fubscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her or their affigns, a fum to be specified therein, equal to that by him, her or them so paid, bearing an interest of three per centum per annum, payable quarter yearly, and fubject to redemption by payment of the fum specified therein, whenever provision shall be made by law for that purpose.

Sec. 6. And be it further enacted, That a Commiscommissioner be appointed for each state, to some appointed reside therein, whose duty it shall be to super- in each intend the fubscriptions to the faid loan; to fate to receive subopen books for the same; to receive the cer- scriptions, tificates which shall be presented in payment &. thereof; to liquidate the specie value of such of them as shall not have been before liquidated; to iffue the certificates above mentioned

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in lieu thereof, according to the terms of each fubscription; to enter in books to be by him kept for that purpose, credits to the respective subscribers to the said loan for the sum to which they shall be respectively entitled; to transfer the faid credits upon the faid books from time to time as shall be requisite; to pay the interest thereupon as the same shall become due, and generally to observe and perform fuch directions and regulations as shall be prescribed to him by the Secretary of the Treasury, touching the execution of his office.

Stock created by this act, how able.

Sec. 7. And be it further enacted, That the flock which shall be created pursuant to this act, shall be transferable only on the books of the treasury, or of the said commissioners relpectively, upon which the credit for the fame shall exist at the time of transfer, by the proprietor or proprietors of fuch stock, his, her or their attorney: but it shall be lawful for the Secretary of the Treasury, by special warrant under his hand and the feal of the treafury, counterfigned by the comptroller, and regiftered by the register, at the request of the respective proprietors, to authorize the transfer of fuch stock from the books of one commissioner to those of another commissioner, or to those of the treasury, and from those of the treasury to those of a commissioner.

thereon payable quarterly.

Sec. 8. And be it further enacted, That the and interest interest upon the said stock, as the same shall become due, shall be payable quarter yearly; that is to fay: One fourth part thereof on the last day of March: one other fourth part thereof on the last day of June: one other fourth part thereof on the last day of September; and the remaining fourth part thereeach

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of on the last day of December in each year. beginning on the last day of March next enfuing; and payment shall be made wheresoever the credit for the faid stock shall exist at the time fuch interest shall become due; that is to fay: At the treasury, if the credit for the fame shall then exist on the books of the treafury, or at the office of the commissioner upon whose books such credit shall then exist. But if the interest for one quarter shall not be demanded before the expiration of a third quarter, the fame shall be afterwards demandable only at the treafury.

And as it may happen that some of the cre- Non-subditors of the United States may not think fit scribing to become fubscribers to the faid loan:

Sec. 9. Be it further enacted, That nothing their rights in this act contained shall be construed in any impaired,& wife to alter, abridge or impair the rights of those creditors of the United States, who shall not subscribe to the faid loan, or the contracts upon which their respective claims are founded; but the faid contracts and rights shall remain in full force and virtue.

And that fuch creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the faid proposed loan shall be depending, and until it shall appear from the event thereof what farther or other arrangements may be necessary respecting the faid domeftic debt:

Sec. 10. Be it therefore further enacted, That such of the creditors of the United States as may not subscribe to the faid loan, shall nevertheless receive during the year one thouland leven hundred and ninety-one, a rate per

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to be paid centum on the respective amounts of their a rate per creditors,

cent on the respective demands, including interest to the amount of last day of December next, equal to the interest payable to subscribing creditors, to be equal to paid at the fame times, at the fame places, allowed to and by the same persons as is herein before fubscribing directed, concerning the interest on the stock which may be created in virtue of the faid All certifi- proposed loan. But as some of the certificates cates in circulation have not heretofore been culation, to liquidated to specie value, as most of them are led & new greatly subject to counterfeit, and counterones iffued. feits have actually taken place in numerous instances, and as embarrassment and imposition might, for these reasons, attend the payment of interest on those certificates in their present form, it shall therefore be necessary to entitle the faid creditors to the benefit of the faid payment, that those of them who do not possess certificates issued by the Register of the Treasury, for the registered debt, should produce previous to the first day of June next, their respective certificates, either at the treafury of the United States, or to some one of the commissioners to be appointed as aforefaid, to the end that the fame may be cancelled, and other certificates iffued in lieu thereof; which new certificates shall specify the fpecie amount of those in exchange for which they are given, and shall be otherwise of the like tenor with those heretofore issued by the faid Register of the Treasury, for the faid registered debt, and shall be transferable on the like principles with those directed to be iffued on account of the subscriptions to the loan hereby proposed.

Sec. 11. And be it further enacted, That the commissioners who shall be appointed purheir

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want to this act, shall respectively be entitled to the following yearly falaries, that is to fay: The commissioner for the state of New-Hamp- Commishire, fix hundred and fifty dollars: The com-their falamissioner for the state of Massachusetts, fifteen ries. hundred dollars: The commissioner for the fate of Rhode-Island and Providence Plantaions, fix hundred dollars: The commissionr for the state of Connecticut, one thousand dollars: The commissioner for the state of New-York, fifteen hundred dollars: The commissioner for the state of New-Jersey, seven hundred dollars: The commissioner for the tate of Pennfylvania, fifteen hundred dollars: The commissioner for the state of Delaware, ix hundred dollars: The commissioner for he state of Maryland, one thousand dollars: The commissioner for the state of Virginia, ifteen hundred dollars: The commissioner for the state of North-Carolina, one thousand dollars: The commissioner for the state of South-Carolina, one thousand dollars: The commissioner for the state of Georgia, seven hundred dollars: Which falaries shall be in full compensation for all services and expenses.

Sec. 12. And be it further enacted, That to take an he faid commissioners before they enter upon outh & enthe execution of their feveral offices, shall ter into respectively take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more fureties to the fatisfaction of the Secretary of the Treasury, in a penalty not less five thousand, nor more than ten thousand dollars, with condition for their good behavior in their faid offices respectively.

And whereas a provision for the debts of State debts the respective states by the United States,

would be greatly conducive to an orderly economical and effectual arrangement of the public finances;

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affumed, to amount of 21,500,000 dols. and a loan propofed, payable in certificates of the flates,

Sec. 13. Be it therefore further enacted, That a loan be proposed to the amount of twenty. one million and five hundred thousand dollars. and that subscriptions to the faid loan be received at the fame times and places, and by the same persons, as in respect to the loan herein before proposed concerning the domestic debt of the United States. the fums which shall be subscribed to the faid loan, shall be payable in the principal and interest of the certificates or notes, which prior to the first day of January last, were issued by the respective states, as acknowledgments or evidences of debts by them refpectively owing, except certificates isfued by the commissioners of army accounts in the state of North-Carolina, in the year one thoufand feven hundred and eighty-fix.

not exceeding a certain fum in each. Provided, That no greater fum shall be received in the certificates of any state, than a follows; that is to say:

In those of New-Hampshire, three hundred

thousand dollars.

In those of Massachusetts, four million dol-

In those of Rhode-Island and Providence Plantations, two hundred thousand dollars.

In those of Connecticut, one million six hundred thousand dollars.

In those of New-York, one million two hundred thousand dollars.

In those of New-Jersey, eight hundred thoufand dollars.

In those of Pennsylvania, two million two hundred thousand dollars.

In those of Delaware, two hundred thoufand dollars.

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In those of Maryland, eight hundred thoufand dollars.

In those of Virginia, three million five hundred thoufand dollars.

In those of North-Carolina, two million four hundred thousand dollars.

In those of South-Carolina, four million dollars.

In those of Georgia, three hundred thoufand dollars.

And provided, That no fuch certificate shall be received, which from the tenor thereof, or ficates flatt from any public record, act, or document, not be reshall appear or can be afcertained to have been issued for any purpose, other than compensations and expenditures for fervices or fupplies towards the profecution of the late war, and the defence of the United/States, or of some part thereof during the fame.

What certi-

Sec. 14. Provided also and be it further enacted, That if the total amount of the fums subscriptions exwhich shall be subscribed to the faid loan in cceding the the debt of any state, within the time limited fum allowfor receiving fubscriptions thereto, shall exceed flate, what the fum by this act allowed to be fubscribed proportion that be within fuch state, the certificates and credits paid. granted to the respective subscribers, shall bear fuch proportion to the fums by them refpectively fubscribed, as the total amount of the faid fums shall bear to the whole fum so allowed to be fubscribed in the debt of such state within the fame. And every fubscriber to the faid loan, shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

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Subscribers so faid loan what proportion of principal, rate of interms of payment

Sec. 15. And be it further enacted, That for two thirds of any fum fubscribed to the faid loan, by any person or persons, or body politic, which shall be paid in the principal and insereft, and terest of the certificates or notes issued as afore. faid by the respective states, the subscriber or entitled to fubscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her or their affigns, a fum to be expressed therein, equal to two thirds of the aforefaid two thirds, bearing an interest of fix per centum per annum, payable quarter yearly, and fubject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the fum mentioned in fuch certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her or their affigns, a fum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the faid two thirds of fuch fum fo fubfcribed, which after the year one thousand eight hundred, shall bear an interest of fix per centum per annum, payable quarter yearly, and fubject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the fum mentioned in fuch certificate; and that for the remaining third of any fum fo subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her or their alfigns, a fum to be expressed therein, equal to the faid remaining third, bearing an interest of three per cent. per annum, payable quarter

rearly, and fubject to redemption by payment of the fum specified therein whenever provifion shall be made by law for that purpose.

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Sec. 16. And be it further enacted, That the Interest, interest upon the certificates which shall be received in payment of the fums subscribed to- & payable wards the faid loan, shall be computed to the quarter yearly. last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock which shall be created by virtue of the faid loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter yearly, at the ame time, and in like manner as the interest on the stock to be created by virtue of the can above proposed in the domestic debt of the United States.

Sec. 17. And be it further enacted, That if Sum affect. he whole fum allowed to be subscribed in the ed to any bebt or certificates of any state as aforesaid, being forbe hall not be subscribed within the time for that scribed, the urpose limited, such state shall be entitled to ceive interexeive, and fhall receive from the United of on atates, an interest per centum per annum, upon deficiency. omuch of the faid fum as shall not have been osubscribed, equal to that which would have crued on the deficiency, had the fame been obscribed in trust for the non-subscribing creitors of fuch state, who are holders of certirates or notes issued on account of services or pplies towards the profecution of the late ar, and the defence of the United States or some part thereof, to be paid in like manner the interest on the stock which may be tated by virtue of the faid loan, and to conme until there shall be a settlement of acounts between the United States, and the in-

flate to re-

dividual states; and in case a balance shall then appear in favor of fuch state, until provision shall be made for the said balance.

But as certain states have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the fame fums:

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State certi-U. States, fuspended.

Sec. 18. Be it further enacted, That the ed in lieu of payment of interest whether to states or to indithose of the viduals, in respect to the debt of any state, by payment of which fuch exchange shall have been made, interest on, shall be suspended, until it shall appear to the fatisfaction of the Secretary of the Treasury, that certificates issued for that purpose by fuch state, have been re-exchanged or redeem. ed, or until those which shall not have been re-exchanged or redeemed, shall be furrender ed to the United States.

States chargeable with amount of fubscrip-. tions.

Sec. 19. And be it further enacted, That to much of the debt of each state as shall be subfcribed to the faid loan, and the monies (if any) that shall be advanced to the same purfuant to this act, shall be a charge against such state, in account with the United States.

Farther apof monies this acl.

Sec. 20. And be it further enacted, That the propriation monies arising under the revenue-laws, which ariting from have been or during the prefent fession of Conthe revenue gress may be passed, or so much thereof a purposes of may be necessary, shall be and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforefaid, purfuant to the provi fions of this act, first paying that which shall arise on the stock created by virtue of the fair first mentioned loan, to continue so pledged and appropriated, until the final redemption

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of the faid stock, any law to the contrary notwithstanding, subject nevertheless to such refervations and priorities as may be requifite to fatisfy the appropriations heretofore made, and which during the present session of Congress may be made by law, including the fums herein before referved and appropriated: and to the end that the faid monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excifes and taxes whatfoever, except fuch as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards fatisfying the interest afore-

Sec. 21. And be it further enacted, That and faith of the faith of the United States be, and the U. States fame is hereby pledged to provide and appro- pledged to priate hereafter such additional and perma- deficiennent funds as may be requisite towards sup- cies. plying any fuch deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforefaid, in conformity to the terms thereof respectively, and according to the tenor of the certificates to be granted for the fame pursuant to this act.

Sec. 22. And be it further enacted, That Proceeds the proceeds of the fales which shall be made from fales of lands in the western territory, now belong. of western. ing, or that may hereafter belong to the Uni- formafink. ted States, shall be, and are hereby appropriated towards finking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act may be hol-

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den, and shall be applied folely to that use un. til the faid debts shall be fully fatisfied.

FREDERICK AUGUSTUS MUHLFNBERG. Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and Prefident of the Senate.

APPROVED, August the fourth, 1790: GEORGE WASHINGTON,

President of the United States.

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# CHAPTER XXXV.

An Act to provide more effectually for the Collection of the Duties imposed by Law on Goods, Wares and Merchandize imported into the United States; and on the Tonnage of Ships or Veffels.

Section 1. B E it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That for the collection of the duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports and officers, in manner following; to wit:

Difrict perts in N.

The state of New-Hampshire shall be one district, to be called the district of Portsmouth, Hampshire, of which the town of Portsmouth shall be the fole port of entry; and the towns of News castle, Dover and Exeter, ports of delivery only: but all ships or vessels bound to or from

either of the faid ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval-officer and furveyor for the faid diffrict shall be appointed, to reside at Portimouth.

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In the state of Massachusetts shall be twenty districts and ports of entry; to wit : New- Diffries & buryport, Gloucester, Salem and Beverly, as ports in one; Marblehead, Boston and Charlestown, as fetts. one; Plymouth, Barnstable, Nantucket, Edgartown, New-Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland, and Falmouth, as one; Bath, Wiscassett, Penobicot, Frenchman's Bay, Machias and Paffamaquady. To the diffrict of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury and Haverhill, which shall be ports of delivery only; and a collector, naval-officer and furveyor for the district shall be appointed, to reside at Newburyport. To the diffrict of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and furveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval-officer and furveyor for the district shall be appointed, to reside at Salem, and a furveyor to refide at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohaffet and llingham, as ports of delivery only; and a

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Diffricts & collector, naval-officer and furveyor shall be appointed to refide at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to refide at Plymouth. To the diffrict of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the diffrict shall be appointed, to refide at Barnstable. To the district of Nantucket the port of Sherburne shall be the sole port of entry and delivery within the fame, and a collector shall be appointed, to reside at Sherburne. In the district of Edgartown a collector shall be appointed, to reside at Edgartown. To the district of New-Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New-Bedford. To the district of Dighton shall be annexed Swanfey and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to refide at Dighton. To the diffrict of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddiford and Pepperelborough shall annexed Scarborough, Wells, Kennebunk and Cape Porpoife, as ports of delivery only; and a collector for the district shall be appointed, to reside at Biddeford. To the diffrict of Portland and Falmouth shall be annexed North-Yarmouth and Brunswick, as ports of delivery only; and a collector and furveyor shall be apppointed

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for the district, to reside at Portland. To the District & district of Bath shall be annexed Hollowell, Massach Pittstown and Topsham, as ports of delivery setts. only; and a collector for the diffrict shall be appointed, to refide at Bath. To the diffrict of Wiscasset shall be annexed Bristol, Boothbay, Warren, Thomaston and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasfet. To the district of Penobscot shall be annexed Frankfort, Sedgwick-Point and Deer-Island, as ports of delivery only; and a collector for the diffrict shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union River, as a port of delivery only; and a collector for the diftrict shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquady shall be appointed a collector, to refide at the faid ports of Machias and Passamaquady, respectively. The district of Newburyport shall include all the waters and thores from the state of New-Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The diffrict of Salem and Beverly shall include all the shores and waters within the towns of Ipfwich, Beverly, Salem and Danvers. The diftrict of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and thores within the counties of Middlesex and Suffolk. The district of Plymouth, shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of

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Diffices & Barnstableshall include all the shores and water within the county of Barnstable. The distri of Nantucket shall include the island of Na tucket. The district of Edgartown shall in clude all the waters and shores within the county of Duke's County. The district of New Bedford shall include all the waters and shore within the towns of New-Bedford, Dartmout Westport, Rochester and Wareham, together with all the islands within the county of Bril tol. The district of Dighton shall include a the waters and shores on Taunton river, and in the town of Rehoboth; and the collector of the feveral diffricts within that part of the flate of Massachusetts eastward of New-Hamp fhire, shall agree, as foon as may be, upon divisional line between their respective district and transmit the same to the comptroller of the treasury; and fuch districts, so agreed upon shall include all the shores, waters and island within the fame. And in case of disagreement between any of the faid collectors, concening fuch divisional line, the Secretary of the Treafury shall determine the fame.

Diftricts &

In the state of Rhode-Island and Proviports in R. dence Plantations, there shall be two dif-Island, &c. tricts; to wit: The district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, fhores, bays, harbors, creeks and inlets, from the west line of the said state all along the sea coast and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the feveral towns, harbors, and landing places at Westerly, Charleston, South-Kingstown, North-Kingstown, East-Greenwich, and all that part of Warwick fouthward of the latiwater

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ide of faid Kinnimicut Point; and also the owns, harbors and landing places of Barington, Warren, Bristol, Tiverton, Littlecompton, and all the towns, harbors and anding places of the island of Rhode-Island, ames Town, Prudence, New-Shoreham, and very other island and place within the said ate fouthward of the latitude of the faid innimicut Point. The district of Providence all comprehend all the waters, shores, avs, harbors, creeks and inlets within the id state, northward of the latitude of Kininicut Point. The town of Newport shall ethe sole port of entry in the said district of lewport; and a collector, naval-officer, and upon arveyor shall be appointed, to reside at the strict, aid town of Newport; and North-Kingstown, of the ast-Greenwich, Barrington, Warren, Bristol upon, adPawcatuckriverinWesterly, shall be ports of islands clivery only; and a surveyor shall be appointed, to reside at each of the ports of North-ingstown, East-Greenwich, Warren, Bristol of the ad Pawcatuck river, and the surveyor to redeat Warren shall be surveyor for the port de at Warren shall be surveyor for the port Providence in all be surveyor for the port of Barrington. The town of Providence shall to differ the sole port of entry in the said district of all be a port of delivery only; and collector, waters, wal-officer and surveyor shall be appointed, from reside at Providence, and a surveyor shall the sappointed to reside at Patuxet.

Bay, as In the state of Connecticut shall be three Districts a simicut stricts, to wit: New-London, New-Haven, Connecticut de Fairfield. The district of New-London cut.

The district of New-London cut.

Connecticut, to the west line of the faid state shown, Connecticut, to the west line of the town of all llings worth, and north to the south line of the latine state of Massachusetts; and shall also in-

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thude the feveral towns or landing places of Norwich, Stonington, Groton, Lyme, San brook, Haddam, East-Haddam, Middletown Chatham, Weathersfield, Glastenbury, Hanford, East-Hartford, Windsor, East-Windson, and Killingsworth, as ports of delivery only New-London to be the fole port of entry; and a collector and furveyor for the diffrict shall be appointed, to refide at New-London; and a furveyor to refide at each of the ports of Stonington and Middletown. The diffrict of New-Haven shall extend from the west lined the diffrict of New-London, westerly to 0 fatumnick river; to which shall be annexed the feveral towns or landing places of Guild ford, Branford, Milford and Derby, as port of delivery only; New-Haven to be the fole port of entry; and a collector and furveyor for the district shall be appointed, to reside a New-Haven. The diffrict of Fairfield shall in clude all the ports and places in the faid flat of Connecticut west of the district of New-H ven; to which shall be annexed the seven towns or landing places of Norwalk, Stratford Stamford, and Greenwich, as ports of delive ry only; Fairfield to be the fole port of entry and a collector for the district shall be appoint ted, to refide at Fairfield. And New-London New-Haven, and Fairfield, shall feverally b ports of entry.

Diffries & ports in N. York.

In the state of New-York shall be two districts; to wit: Sagg-Harbor on Nassau or Long Island, and the city of New-York, each of which shall be a port of entry. The district of Sagg-Harbor shall include all bays, har bors, rivers and shores within the two point of land which are called Oyster-Pond Point and Montauk Point; and a collector for the

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of the county of Chaceffer, with district shall be appointed, to reside at Sagg. Districts & Harbor, which shall be the only place of de-N. York ivery in the faid district. The district of the city of New-York shall include such part of the coafts, rivers, bays and harbors of the faid flate, not included in the district of Sagg-Harbor; and moreover the several towns or landing places of New-Windfor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and furvevor for the diffrict shall be appointed, to refide at the city of New-York; also two furveyors, one to refide at the city of Albany, and the other at the city of Hudfon; and all ships or veffels bound to or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New-York.

In the state of New-Jersey shall be four dif- Diffries & tricts; to wit: Perth-Amboy, Burlington, ports in Bridgetown, and Great Egg-Harbor, which N. Jerfey. shall severally be ports of entry. The district of Perth-Amboy shall comprehend all that part of the flate of New-Jersey, known by the name of East New-Jersey (that part excepted which is hereafter included in the diftrict of Burlington) together with all the waters thereof heretofore within the jurisdiction of the faid ftate; in which district the towns or landing places of New-Brunswick, Middletown-Point, Llizabeth-Town, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to refide at Perth-Amboy. The district of Burlington shall comprehend that part of the faid late known by the name of West New-Jerley, which lies to the eastward and northward Vor. I.

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District & of the county of Gloucester, with all the wa ters thereof heretofore within the jurisdiction of the faid state, including the river and inlet of Little Egg-Harbor, with the waters emptying into the same, and the sea-coast, found. inlets and harbors thereof, from Barnegat inlet to Brigantine inlets, in which diffrict the land. ing places of Lamberton and Little Egg-Har. bor shall be ports of delivery only; and a collector shall be appointed for the district, to refide at Burlington, and a furveyor at Little Egg-Harbor. The diffrict of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape-May (fuch part of the counties of Gloucester and Cape-May as shall be herein after included in the district of Great Egg-Harbor, excepted) and all the waters thereof heretofore within the jurisdiction of the faid state; and the town of Salem and Port Elizabeth, on Maurice river, shall be ports of delivery only; and a collector shall be appointed, to reside at Bridgetown. The district of Great Egg-Harbor shall comprehend the river of Great Egg-Harbor, together with all the inlets, bays, found, rivers and creeks, along the fea coast, from Brigantine inlet to Cape-May; and a collector shall be appointed, to refide at Somers's Point, on the faid river of Great Egg-Harbor.

Diffrict & port in

The state of Pennsylvania shall be one district, and Philadelphia shall be the fole port Penniylva- of entry and delivery for the fame; and a collector, naval-officer and furveyor for the district shall be appointed, to reside at the said port of Philadelphia.

Diffrict ports in Delaware.

The state of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn, as ports of delivery only; and a collector for the district shall be appointed, to refide at the faid port of Wil-

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In the state of Maryland shall be nine dif Districts & tricts; to wit; Baltimore, Chefter, Oxford, Maryland, Vienna, Snowhill, Annapolis, Nottingham, Cedar-point, and George-Town. The district of Baltimore shall include Patapsco, Susques hannah, and Elk rivers, and all the waters and shores on the west side of Chesapeake-Bay, from the mouth of Magetty river to the fouth fide of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a collector, naval-officer and furveyor shall be appointed for the faid district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and thores on the eaftern fide of Chelapeake-Bay, from the fouth fide of Elk-river to the north fide of the Eaftern-Bay, and Wye river, inclusive; in which Georgetown on Sassafras river, shall be a port of delivery only; and a collector for the diftrict shall be appointed, to reside at Chester, which shall be the sole port of entry. The diftrict of Oxford shall include all the waters and thores on the eastern fide of Chefapeake-Bay, from the north fide of Wyc river and the Eastern-Bay, to the fouth side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to refide at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake-Bay, from the south side of Great Choptank river, to the fouth fide of

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Maryland.

Diffrica & Hooper's Strait, Haynes's Point and Wice. mico river, inclusive; and Salisbury shall be the port of delivery only; and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry, The diffrict of Snowhill shall include all the waters and shores on the fea-coast, from the north line of Virginia, to the fouth line of Delaware, together with all the waters and shores on the eastern fide of Chesapeake-Bay, from the fouth fide of Wicomico river, to the fouth fide of Pocomoke river, inclusive, fo far as the jurisdiction of the faid state of Maryland extends: to which Sinnipuxent shall be a port of delivery for West-India produce only; and a collector for the aistrict shall be appointed, to refide at Snowhill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and thores from thence to Drum-Point, on Paturent river; and a collector for the diffrict shall be appointed, to refide at Annapolis, which shall be the fole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west fide of Chefapeake-Bay, to Drum-Point, on the river Patuxent, together with the faid riwer, and all the navigable waters emptying into the fame, to which Benedict, Lower Martborough, Town Crock, and Sylvey's Landing, shall be annexed as ports of delivery only; a collector for the diffrict shall be appointed, to refide at Nottingham, and a furveyor at Town Creek; and Nottingham frall be the fole port of entry. The diffrict of Cedar Point shall include all the waters of Potowmack within the jurisdiction of the state of Maryland, from Point-look-out to Pomonky Creek, inclusive;

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which Nanjemoy, Saint Mary's and Lewel Maria. & enfourg, shall be annexed as a port of delivery Maryland only; and a collector for the diffrict shall be appointed, to refide at Cedar Point; also a urveyor to refide at each of the ports of Saint Mary's and Lewellensburg; and Cedar. Point hall be the fole port of entry. The district of Georgetown shall include all the waters and heres from Pomonky Creek, on the north ide of Potowmack river, to the head of the pavigable waters of the faid river within the wisdiction of the state of Maryland; to which Digges's landing and Carrolfburg shall be annexed as ports of delivery only; and a collecor for the district shall be appointed, to reide at Georgetown, which shall be the fole port of entry.

In the state of Virginia shall be twelve dif- Districts & ricts; to wit: Hampton as one port; Norfolk Virginia and Portsmouth as one port; Bermuda Hunhed and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including kinfale, Dumfries, including Newport, Alexandria, Foley-Landing, Cherrystone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, thores, bays; harbors and inlets, beween the fouth fide of the mouth of York iver, along the well shore of Chesapeake-Bay o Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampion, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the district shall extend over all the waers, thores, bays, harbors and inlets com-

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ports in Virginia. prehended within a line drawn from Cam Henry to the mouth of James river, and thence up James river to Jordan's point, and up Elizabeth-river to the highest tide water there. of; and Norfolk and Portsmouth shall be the fole port of entry; and a collector, navalofficer and furveyor for the district shall be appointed, to refide at Norfolk; also a surveyor to refide at each of the ports of Suffolk and Smithfield. To the diffrict of Bermuda Hundred or City Point, shall be annexed Rich mond, Petersburg, and Manchester, as port of delivery only; and a collector and furvey. or shall be appointed, to reside at Bermud Hundred or City Point, which shall be the fole port of entry; also a surveyor for Peterburg to refide thereat, and a furveyor for Rick mond and Manchester to reside at Richmond; and the authority of the officers of the fail -diffrict shall extend over all the waters, shores, bays, harbors and inlets, comprehended be tween Jordan's point and the highest tide water on James and Appamattox rivers. To the diffrict of Yorktown shall be annexed Well-Point and Cumberland as ports of deliver sonly; and a collector for the diffrict shall be appointed, to refide at Yorktown, which fhall be the fole port of entry; also a surveyor for the two ports of delivery, to relide at Well-Point; and the authority of the officers of the faid district shall extend over all the waters, fhores, bays, harbors and inlets, comprehended betweeen the point forming the fouth shored the mouth of Rappahannock river, and the point forming the fouth shore of the mouth of York river, and thence up the faid river to West-Point, and thence up Pamunkey and Mattapony rivers to the highest navigable

aters thereof. To the district of Tappahan Diffice & ock shall be annexed Urbanna, Port-Royal, Portain Cape nd Fredericksburg (including Falmouth), as thence orts of delivery only; and a collector for nd up he district shall be appointed, to reside at Tapthere shannock, which shall be the sole port of be the ntry; also a surveyor for each of the ports naval. Urbanna, Port-Royal, and Fredericksburg: hall be nd the authority of the officers of the faid rveyor ifrict shall extend over all the waters, shores, lk and ays, harbors and inlets, comprehended be-Hunreen Smith's point, at the mouth of Potow-Richack river, and the point forming the fouth ports ore of the mouth of Rappahannockriver, and urveyence up the last mentioned river to the rmuda ghest tide water thereof. The district of be the cocomico river including Kinfale shall extend Peters. om Smith's Point on the fouth fide of Po-Rich wmack river, to Boyd's Hole on the fame mond: ver, including all the waters, shores, bays, ne faid vers, creeks, harbors and inlets along the fhores, buth shore of Potowmack river to Boyd's ed belole aforefaid; and Yeocomico including de wainfale, shall be the fole port of entry; and a To the ollector shall be appointed to reside on Welleccomico river. The district of Dumfries ineliver uding Newport, shall extend from Boyd's hall be ble to Cockpit-Point on the fouth fide of ch fhall otowmack river; and a collector shall be apvor for ointed, to refide at Dumfries, which shall be t Weftte fole port of entry; and the authority of of the e officers of this district shall extend over all waters, te waters, shores, bays, harbors and inlets hended omprehended between Boyd's Hole and hore of ockpit-Point aforefaid. For the district of and the lexandria shall be appointed a collector and mouth rveyor, to reside at Alexandria, which shall the sole port of entry; and the authority of river to ey and

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Ports in Virginia.

the officers of the faid diffrict shall extend over all the waters, shores, bays, harbors and inler on the fouth fide of the river Potowmack, from the last mentioned Cockpit-Point to the high est tide water of the said river. For the district of Foley Landing shall be appointed a collector, who shall refide at Accomack Court-house and whose authority shall extend over all the waters, fhores, bays, harbors and inlets of the county of Accomack. For the district of Cher. rystone shall be appointed a collector, to refide at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbon and inlets comprehended within Northampton county. For the district of South Quay a col lector shall be appointed, to reside thereat whose authority shall extend over all the waters shores, bays, harbors and inlets in that part of Virginia, comprehended within the limits of the faid state. For the district of Louisville: collector shall be appointed, to reside thereat whose authority shall extend over all the waters shores and inlets included between the rapid and the mouth of the Ohio river on the fout fide thereof.

Diffricts & ports in N.Carolina.

In the state of North-Carolina shall be five districts; one to be called the district of Wil mington, and to comprehend all the waters fole fhores, bays, harbors, creeks and inlets, from Little River inlet, inclusive, to New River in let, inclusive: another to be called the district of Newbern, and to comprehend all the wa from New River inlet, exclusive, to Ocracok inlet, inclusive, together with that part of bark Pampticoe found which lies fouthward and westward of the shoal projecting from the mouth of Pampticoe river towards the Roya

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Shoal, and fouthward of the faid Royal Shoal. Diffries & Another to be called the district of Washing- N.Carolina ton, and to comprehend all that part of Pampticoe found not included in the district of Newbern, as far north as the marshes. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets, from the marshes, inclusive, northward and westward, except those included in the diffrict of Cambden. The other to be called the district of Cambden, and to comprehend North River, Pafquotank and Little Rivers, and all the waters, thores, bays, harbors, creeks and inlets, from the junction of Currituck and Albemarle founds to the north extremity of Back-Bay. That in the difmid of Wilmington, the town of Wilmington hall be a port of entry and delivery, and there hall be collector, naval-officer and furveyor, to refide at the faid town of Wilmington. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough hall be ports of delivery only, and there shall be a collector to refide at Newbern, and a urveyor to refide at Beaufort, and one at Swansborough. That in the district of Washwaters ington, the town of Washington shall be the eas, from one port of entry and delivery, and there shall like a collector to reside within the same. That in the district of Edenton, the town of Edenton the was hall be a port of entry and delivery, and Herton hall be a port of entry and delivery, and Herton hall be a port of entry and delivery, and Herton hall be contacted by the same of the ports of delivery; and there shall be ward and collector to reside at the town of Edenton, from the same of the ports of Herton had a surveyor at each of the ports of Herton he Roya and, Winton, Bennet's Creek, Plymouth, Vol. I. VOL. I.

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Districts & Windfor and Skewarkey; and one at Murfreesborough, for said port and for Princeton. That all ships or vessels intending to proceed to Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek bridge, Murfreesborough, or Princeton, shall first come to and enter at the port of Edenton. That in the district of Camb. den, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck inlet, Pafquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a furveyor at each of the ports of Nixonton, Indiantown, Currituck inlet, Pafquotank River bridge, and Newbiggin Creek; and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbors, creeks and inlets comprehended within fuch diffrict. Provided, That any veffels coming in at Ocracoke inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of faid inlet, to which fuch veffels are bound. And that any veffel coming in at the faid inlet in ballall with the purpose of loading without the Roy al Shoal, shall be at liberty to enter at any port of entry connected with the waters of the fair inlet.

Diffricts and ports in 8. Carolina.

In the state of South-Carolina, shall be three districts; to wit: Georgetown, Charles ton, and Beaufort, each of which shall be port of entry. The district of Georgetow shall include the shores, inlets and rivers, from the boundary of North-Carolina to the point Cape Romain. The diffrict of Charleston sha include all the shores, inlets and rivers, from

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Cape Romain to Combahee river inclusive; Diffries and the district of Beaufort shall include the and ports in shores, inlets and rivers, from Combahee river to Back river in Geo gia, comprehending also the shores, inlets and harbors formed by the different bars/and fea islands lying within each district respectively. At the port of Charleston shall be a collector, naval-officer and surveyor; and a collector at each of the other ports. Diffries

and portsia

In the state of Georgia shall be four districts; Georgia. to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The diftrict of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the faid river to the north point of Offabaw island, and Great Ogeeche rivers, inclusive; and a naval-officer, collector and furveyor shall be appointed for the faid district, to reside at Savannah. The diffrict of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, fouth of the north point of Offabaw island and Great Ogeeche river, exclusive, and north of the fouth point of Sapelo island, inclusive, and a collector for the faid diftrict shall be appointed to reside at Sunbury. The diffrict of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the fouth point of Sapelo island, exclusive, to the fouth point of Jekyl island, inclusive; Frederica shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the fouth point of Jekyl fland, exclusive, to Saint Mary's river, inclufive; and a collector for the faid diffrict shall

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be appointed, to refide at Saint Mary's: and in each of the faid districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more fearchers or inspectors as may be necessary for the fecurity of the revenue.

Sec. 2. And be it further enacted, That it

shall not be lawful to make entry of any thip or veffel which shall arrive from any foreign

port or place within the United States, or of the cargo on board fuch ship or vessel elsewhere than at one of the ports of entry herein before established, nor to unlade the said

Ports of cntry to be ports of delivery. Ports of delivery to which foreign veffels are re-Atricled.

cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established: Provided always, That every port of entry shall be also a port of delivery: And provided further, That none but thips or veffels of the United States shall be admitted to unlade at any other than the ports following; to wit: Portfmouth, in the state of New-Hampshire: Portland and Falmouth, New-Bedford, Dighton, Salem and Beverly, Glouce er, Newburyport, Marblehead, Sherburne, Boston and Charlestown, Plymouth, Bath, Frenchman's-Bay, Wiscasset, Machias, and Penobscot, in the state of Massachusetts: Newport and Providence, in the state of Rhode-Island and Providence Plantations: New-London and New-Haven, in the state of Connecticut: New-York, in the state of New-York: Perth-Amboy, and Burlington, in the state of New-Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, Newcastle and Port-Penn, in the state of Delaware: Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potowmack, Chestertown, Town-Creek, Not

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ringham, Cedar Point, Digges's Landing, Snowhill and Carrolfburgh, in the state of Maryland: Alexandria, Kinfale, Newport, Tappahannock, Port-Royal, Fredericksburg, Urbanna, Yorktown, West-Point, Hampton, Bermuda Hundred, City-Point, Rocket's Landing, Norfolk, and Portfmouth, in the state of Virginia: Wilmington, Newbern, Washington, Edenton, and Plankbridge, in the state of North-Carolina : Charleston, Georgetown, and Beaufort, in the state of South-Carolina; and in either of the districts of Savannah, Sunbury, Brunswick, Frederica, and Saint Mary's, in the state of Georgia; or to make entry in any other district than in one in which they hall be so admitted to unlade: And provided Ports of enlastly, That no ship or vessel arriving from vessels arrithe Cape of Good Hope, or from any place ving from the Cape of beyond the fame, shall be admitted to make G. Hope or entry at any other than the ports following; beyond it to wit: Portsmouth, in the state of New-Hamp- ted. hire: Boston and Charlestown, Newburyport, Salem and Beverly, Gloucester, Portland and Falmouth, in the state of Massachusetts: Newport, and Providence, in the state of Rhode-Mand and Providence Plantations: New-London, and New-Haven, in the state of Connecticut: New-York, in the state of New-York: Perth-Amboy, in the state of New-Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, in the state of Delaware: Balimore, Annapolis, and Georgetown, in the late of Maryland: Alexandria, Norfolk, and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, and Edenon, in the state of North-Carolina: Charleson, Georgetown, and Beaufort, in the state of South-Carolina: and Sunbury and Savan

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nah, in the state of Georgia: Provided, The nothing herein contained shall prevent the mafter or commander of any ship or vessel from making entry with the collector of any diffrict in which fuch ship or vessel may be owned, or from which she may have failed on the voyage from which she shall then have returned.

Ports of delivery to which veffels bound shall first come to at

Sec. 3. And be it further enacted, That the master or commender of every ship or vessel bound to a port of delivery only, in any of the following districts; to wit: Portland and the port of Falmouth, Bath, Newburyport, New-London, (except the port of Stonington, in the faid district) Norfolk and Portsmouth, Bermuda-Hundred and City-Point, Yorktown, or Tappahannock, (except the port of Urbanna, in the faid district) and Edenton, shall first come to at the port of entry of fuch diffrict, with his ship or vessel, and there make report or entry, and pay, or fecure to be paid, all legal duties, port fees and charges in manner by this act provided, before fuch ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those abovementioned, or to either of the ports of Stonington or Urbanna, may first proceed to her port of delivery, and afterwards make report or entry within the time by this act limited.

Diffricts to which veifels bound thall net pals certain ports without delivering a manifelt.

Sec. 4. And be it further enacted, That the mafter or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town-Creek, and immediately after his arrival, deposit with the furveyor of the faid port, a true manifest of the cargo on board fuch ship or vessel: if bound to the district of Tappahannock, shall, before , That

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he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest: if bound to the district of Bermuda-Hundred or City-Point, hall, before he pass by Elizabeth-River, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portfmouth, or with the collector of the port of Hampton, a like manifest: and if bound to the district of South-Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton, a like manifest. the faid furveyors and collectors respectively, hall, after registering the manifests, transmit the fame, duly certified to have been fo depofited, to the officer with whom the entries are to be made. And if the master or commander to deposit of any thip or vessel shall neglect or omit to deposit a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of fuit, one half to the use of the officer with whom fuch manifest ought to have been deposited, and the other half to the use of the collector of the district to which the faid ship or vessel may be bound: Provided, That if manifests shall have been in either of the faid cales previously delivered to any officer of the cultoms, pursuant to the provision hereinafter to be made in that behalf, the depositing of a manifest as aforefaid shall not be necessary: And provided also, That no master of any ship or vessel which was absent from the United States on the first day of May last, and which hath not fince returned within the fame, or of any ship or vessel not owned wholly or in part y a citizen or inhabitant of the United States,

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Thall incur the faid penalty, if he shall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had fuch knowledge or information.

be appointedin purfu ance of this an oath;

Sec. 5. And be it further enacted, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties act to take of their respective offices, shall severally take an oath diligently and faithfully to execute the duties of their faid offices respectively, and to use their best endeavors to prevent and de tect frauds in relation to the duties imposed by the laws of the United States; which oath, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another, shall be taken before the collector of his district, and being certified under the hand and feal of the person by whom the fame shall have been administered, shall, within three months thereafter be transmitted to the comptroller of the treasury; in default of taking which oath, the party failing shall forfeit and pay two hundred dollars, to be recovered with costs of fuit, in any court of competent jurisdiction, to the use of the United States.

penalty in default thereof.

Duties of the collec-

Sec. 6. And be it further enacted, That the feveral officers of the customs shall respective ly perform the duties following; to wit: At fuch of the ports to which there shall be appointed a collector, naval-officer and furveyor, the collector shall receive all reports, manifelts and documents, to be made or exhibited of the entry of any ship or vessel, according to make

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the regulations of this act; shall record in books to be kept for that purpose, all such manifests; shall receive the entries of all ships and veffels, and of the goods, wares and merchandize imported in them; shall, together with the naval-officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon; endorfing the . faid amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for fecuring the payment thereof; shall grant all permits for the unlading and delivery of goods; shall employ proper persons as weighers, guagers, measurers and inspectors at the feveral ports within his district; and shall provide at the public expence, and with the approbation of the principal officer of the treafury department, store-houses for the safe-keeping of goods, and fuch scales, weights and measures as may be necessary. The naval-of- naval officers shall receive copies of all manifests; shall together with the collector, estimate the duties on all goods, wares and merchandize subject to duty, keeping a separate record thereof; and shall counterfign all permits, clearances, certificates and debentures to be granted by the collector. The furveyor shall superintend and direct all inspectors, weighers, measurers surveyor. United and guagers within his diffrict; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on nat the board each of them one or more inspectors; ective. hall afcertain the proofs of distilled spirits, t: At rating those which shall be of the proof of be ap twenty-four degrees as of Jamaica proof; and vevor hall examine whether the goods imported in anifelts any ship or vessel, and the deliveries thereof, ted on

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Further duties of furveyor and collector.

and the permits for landing the fame; and the faid furveyor shall in all cases be subject to the controul of the collector. And at fuch ports to which a collector and furveyor only are affigned, the faid collector shall folely execute all the duties in which the co-operation of the naval-officer is requifite at the ports where a naval-officer shall be appointed, which he shall also do in case of the disability or death of the haval-officer. And at the ports to which a collector only is affigned, fuch collector shall folely execute all the duties in which the cooperation of the naval-officer is requifite as aforefaid: and shall also, as far as may be, perform all the duties prescribed to surveyors at the ports where fuch officers are established. And at ports to which furveyors only are affigned, every fuch furveyor shall perform all the duties herein before enjoined upon furvey. ors; and shall also receive and record the copies of all manifelts which shall be transmitted to him by the collector; shall record all permits granted by fuch collector, distinguishing the guage, weight, measure and quality of the goods specified therein; and shall take care that no goods be unladen of delivered from any ship or vessel without a proper permit for that purpose. And at such ports of delivery only to which no furveyor is affigned, it shall be lawful for the collector of the diffrict occafionally and from time to time to employ a proper person or persons to do the duties of a furveyor, who shall be entitled to the like compensation with inspectors, during the time they shall be employed. And the faid collectors, naval-officers and furveyors shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and

Collector may occafionally employ a furveyor. tha the

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true accounts and records of all their transac: naval offitions as officers of the cultoms, in fuch man- cers and ner and form as may be directed by the pro- to keep per department, or officer having the fuperin- books. tendance of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts to the inspection of such persons as may be appointed for that purpose. And the faid collectors shall at all times pay to the order of the officer who to pay all shall be authorized to direct the payment there- monies reof, the whole of the monies which they may fettle their respectively receive by virtue of this act (fuch accounts every three monies as they are otherwise by this act direc- months. ted to pay only excepted); and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whole duty it shall be to make such settlement.

Collectors.

ceived, and

Sec. 7. And be it further enacted, That every collector, naval-officer and farveyor, in cases naval-offiof occasional and necessary absence, or of sick- cers and ness, and not otherwise, may respectively ex- furveyors may apercise and perform their several powers, func- point detions and duties, by deputy duly constituted puties. under their hands and feals respectively, for whom in the execution of the trust they shall respectively be answerable. The state of the ball

Sec. 8. And be it further enacted, That in case of the disability or death of a collector, deputy colthe duties and authorities vested in him shall lector. devolve on his deputy, if any there be at the time of fuch disability or death (for whose conduct the estate of such disabled or deceased collector shall be liable): And in defect of a deputy, the faid authorities and duties shall devolve upon the naval-officer of the fame dil-

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trict, if any there be; and if there be no na val-officer, upon the furveyor of the port ap. pointed for the residence of such disabled or deceased collector, if any there be; and if none, upon the furveyor of the port nearest thereto, and within the same district. And in may nomi- every case of the death or disability of a surveyor, it shall be lawful for the collector of the diffrict to nominate fome fit person to perform his duties and exercise his authorities. And the authorities of the persons hereby empowered to act in the flead of those who may be disabled or dead, shall continue until fucceffors shall be duly appointed, and ready to enter upon the execution of their respective offices and in tenental of the contract of

Masters of veffels from foreign . ports, to have manifests of their cargo.

Sec. 9. And be it further enacted, That from and after the first day of October next, no goods, wares or merchandize shall be brought into the United States from any foreign port or place in any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of fuch thip or wessel shall have on board a manifest or manifests in writing, signed by fuch mafter or other person, containing the name or names of the port or ports, place or places where the goods in fuch manifest or manifests mentioned, shall have been respectively taken on board, and the port or ports, place or places within the United States for which the fame are respectively configued or destined, and the name and built of such ship or vessel, and the true admeasurement or tonnage thereof according to the register of the fame, together with the name of the master or other person having the command or charge

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of fuch thip or veffel, and the port or place to which fuch thip or veffel truly belongs, and a inft and particular account of all the cargo fo laden or taken on board, whether in packages or flowed loofe, together with the marks and numbers, in words at length, of the faid packages respectively, with a description of each, as whether leaguer, pipe, butt, puncheon, hogfhead, barrel, case, bale, pack, trus, cheft, box, bundle, or other cask or package, describing the fame by its usual name or denominain the whole or in part to a citizen or cit

Sec. 10. And be it further enacted, That if Forfeiture any goods, wares or merchandize shall, after of the value the faid first day of October next, be imported not incluor brought into the United States, in any thip ded in faid or veffel, whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or mhabitants of the United States, from any forign port of place, without fuch manifest or manifests in writing, or shall not be included and described therein, or shall not agree therewith, in every fuch case the master or other person having the command or charge of such hip or vellel, shall forfeit a fum of money qual to the value of fuch goods, not included in such manifest or manifests. Provided althe manifest or the major part of them, where
the facts are established at any port, or to
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been specified and accounted for in the report of the mafter or other person having the charge or command of fuch thip or veffel, and that the manifest or manifests had been lot or millaid, without fraud or collusion, or that the fame was or were defaced by accident, or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

Masters of vessels to deliver manifelts to the officer who fhall first go on board.

Sec. 11. And he it further enacted, That every mafter or other person having the charge or command of any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforesaid, and bound to determine any port or place in the United States, shall sign on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce such manifest or manifests in writing, which such master or other person is herein before required to have on board his said ship or vessel, to such officer or officers of the continuous state. faid ship or vessel, to such officer or officers at the customs, as shall first come on board his faid ship or vessel, for his or their inspection, and officers or officers a ship officers or officers a and shall deliver to such officer or officers a strue copy or copies thereof (which copy or copies shall be provided and subscribed by the sit, faid mafter or other person having the command or charge of fuch thip or vessel); and that the officer or officers to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the fame was or were produced, and the day and year on which the fame was or were fo produced, and that fuch copy or copies as aforefaid, was or were to him or them delivered, and shall likewife certify upon the back of fuch copy or copies, the day and

the rear on which the same was or were deliverthe deliverng the d, and shall forthwith transmit such copy or
the deliverthe deliv or that ifest or manifests shall appear respectively to ent, or e consigned; and that the said master or afe the ther person so having the charge or comand of any such ship or vessel, shall in like there decided and of any fuch ship or vessel, shall in like anner produce to the officer or officers of the customs who shall sirst come on board the ship or vessel upon her arrival within the mits of any district of the United States, in hich the cargo or any part thereof is intendit to be discharged or landed, for his or their spection, such manifest or manifests as aforeward arbors, upon is also to be provided and subscribed by the indicate or other person having the charge roommand of such ship or vessel) the production of which said manifest or manifests, and the delivery of which said copy or copies are of shall also be certified by the said officers of the customs who shall so the come on board the said ship or vessel on a arrival within the limits of any such distinction, and the said officers of the customs who shall so the produced to such officer or officers, and then he or they so received the said copy copies thereof; and such officer or officers and are hereby required forthwith to transfer the copy topies of the said manifest or manifests to collector of that district, and the said matter or command to reperson having the charge or command to reperson him or e collector of that district, and the said mas-y upon tor person having the charge or command the said ship or vessel, shall afterwards pro-

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duce and deliver the faid original manifest or manifests to the said collector. Provided always, That nothing herein contained shall be construed to require of such master by other person having the charge or command of fuch thip or vessel, the delivery of more than one copy of each manifest to the officer or officers aforefaid, who shall first come on board of fuch ship or vessel, within four league of the coast of the United States aforesaid and one other copy to fuch officer or officer as shall first come on board, within the limit of any district for which the cargo of fud thip or vessel or some part thereof shall be configned or deftined; or shall be confin ed to require the delivery of any fuch to py to any other officer; but it shall be fuff cient in respect to any such other officer, w produce and shew to him the faid original ma nifest or manifests, and the certificate or cer tificates thereupon.

and another manifelt to the officer of the diffrict to which he is bound.

Penalty on neglect thereof.

Sec. 12. And be it further enacted, That the mafter or other person having the charge or command of any thip or veffel laden aforefaid, and bound to any port or place i the United States, shall not upon his arriva within four leagues of the coast thereof, o within the limits of any district thereof, when the cargo of fuch ship or vessel or any part thereof is intended to be discharged, produce fuch manifest or manifests in writing, to the proper officer or officers upon demand thereof and also deliver such copy or copies thereofa aforefaid according to the directions of this act in each case, or shall not give an account of the deftination of fuch ship or vessel, which he is hereby required to do, upon request of fuch officer or officers, or shall give a falle acfest or

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count of the faid destination, in order to evade the production of the faid manifest or manifelts, the faid malter or other person having the charge or command of fuch ship or vessel, shall forfeit for every fuch refusal, neglect or offence, a fum not exceeding five hundred dollars. And if fuch officer or officers first com- Penalty on ing on board, in each case within the distance the officer or limits aforesaid, shall neglect or refuse to or negleccertify on the back of fuch manifest or mani-ting to cer-fests, the production thereof, and the delivery tests. of fuch copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every fuch officer, fo neglecing or refusing shall forfeit and pay the sum of five hundred dollars.

The so his

Sec. 13. And be it further enacted, That if Penalty for after the arrival of any ship or vessel so laden unlading with goods as aforefaid, and bound to the out autho-United States, within the limits of any of the rity, and districts of the United States, or within four leagues of the coast thereof, any part of the cargo of fuch thip or vessel shall be unladen for any purpose whatever, from out of such hip or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel hall come to the proper place for the discharge of her cargo or some part thereof, and shall be there duly authorized by the proper officer or officers of the cultoms, to unlade the fame, the master or other person having the charge or command of fuch ship or vessel, and the mate or other person next in command, shall respectively forfeit and pay the sum of one forfeiture thousand dollars; and the goods, wares and thereof; perchandize fo unladen and unshipped, shall e forfeited and lost, except in the case of some mavoidable accident, necessity or distress of VOL. I.

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weather; of which unavoidable accident, ne. ceffity or diffress, the mafter or other person having the charge or command of fuch thin or veffel, shall give notice to, and together with two or more of the mariners on board fuch ship or vessel, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which fuch thip or veffel shall afterwards arrive, if the faid accident, neceffity or diffress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the faid collector or other chief officer is hereby authorized and required to administer.)

Mafters of veilels reg. e.ds, exceptinfuch cafes, to forfeit treble their value and veileis.

Sec. 14. And be it further enacted, That if any goods, wares or merchandize fo unladen from on board of any fuch ship or vessel, shall be put or received into any other ship, vessel or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforefaid, the faid mafter or other person having the charge or command of the ship, vessel or boat into which the said goods shall be fo put and received, and every other person aiding and affisting therein, shall forfeit treble the value of the faid goods; and the faid ship, boat or vessel shall also be forfeited and loft.

Makers of veffels to incur a penalty for any diffriet

Sec. 15. And be it further enacted, That if any ship or vessel which shall have arrived within the limits of any diffrict of the United States falling from from any foreign port or place, shall depart alter arrive or attempt to depart from the fame, unless, to

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proceed on her way to fome more interior ing if they district to which she may be bound, before ter, except report or entry shall have been made by the in cases of mafter or other person having the charge or command of fuch ship or vessel, with the collector of some district of the United States, the faid master or other person having such charge or command shall forfeit and pay the fum of four hundred dollars. And it shall be lawful for any collector, naval-officer, furveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such hip or vessel, to such port of the United States to which it may be most conveniently done. Provided, That if it shall be made to appear by the oath of the faid mafter or other person having the charge or command of fuch ship or veffel, and of the person next in command, or other fufficient proof to the fatisfaction of the collector of the district within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the profecution for fuch penalty may be had, that the faid departure, or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the faid penalty hall not be incurred.

Sec. 16. And be it further enacted, That To make an within twenty-four hours after the arrival of entry withmy ship or vessel from any port or place, at any port of the United States established by aw, at which an officer of the cultoms refides, or within any harbor, inlet or creek thereof, the hours of business at the office of the chief officer of the customs at such port will permit, or as foon thereafter as the faid hours will permit, the mafter or other person having

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the charge or command of fuch fnip or veffel, shall repair to the faid office, and shall make report to the faid chief officer of the arrival of the faid ship or vessel; and within forty-eight port of his hours after such arrival, thall make a farther in 48 hours; report to the collector of the faid district in which fuch port may be, of the name, burthen and lading of fuch thip or vessel, whether in packages or stowed loofe, and of the particular marks, numbers and contents of each package, and the place or places, person or persons to or for which or whom they are respectively configned or destined, also of the place of places where the took in her lading, of what country built, from what foreign port or place the last failed, who was master or commander of her during the voyage, who is at the time of fuch report mafter or commander of her, and (if a veffel of the United States) who are owners of her; unless the whole of such information required on the fecond report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from fuch foreign port or place for the United States, a manifest or manifests of the lading of fuch thip or veffel, or of any part thereof, the faid master or person having the faid charge or command, fall, at the time of makand deliver ing the faid report, deliver the faid manifelt thereof to or manifelts to the collector to whom the faid the collec- report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions maffer or other perion has

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fthis act. And the faid master or person havng the charge or command of any fuch toip wath of rveffel, wall in each case declare that no what he art of her lading, fince her departure from landed he faid foreign port or place from which the fince he hall be to reported to have last failed, has been the port anded or unladed, or otherwise removed from in board of her, except as he shall then speify, together with the cause, time, place and nanner; and shall further declare, that in ase he thall afterwards discover or know of my goods, wares or merchandize, other than hose by him then reported, he will forthwith hereafter make report thereof to the faid coleftor: which report and declarations respecively shall be in writing, figned by the party making the fame, and inall be attested by his bath, to the best of his knowledge and belief; and the faid collector is hereby authorized and required to administer the same. And if the aid master or person having the charge or Penalty on resultation command of any fuch thip or vessel shall ne- negreet. glect or omit to make the faid reports, or either of them, and declaration or declarations, or to deliver the faid manifelt or manifelts, or to take the faid oath, as the cafe may require, he shall for every such offence forfeit and pay the fum of one thousand dollars.

failed from where he loaded.

Sec. 17. Provided always, and be it further Masters of macted, That it shall not be necessary for the foreign ships of war mafter or person having the charge or com- or packets mand of any ship or vessel of war, or of any notiomake hip or vessel employed by any prince or state, entry. as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of fuch prince or state to be employed in the transportation of goods, wares or merchan-

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dize in the way of trade, to make fuch repor and entry as aforefaid.

Mafters of veilels after entering may proforeign port.

Sec. 18. And be it further enacted, That arriving & shall be lawful for the faid ship or vessel proceed with any goods, wares or merchan dize brought in her, which shall be reported by the faid mafter or other person having the charge or command of the faid ship or vessel to be destined for any foreign port or place from the district within which such ship or vel fel shall first arrive, to such foreign port of place, without paying or fecuring the paymen of any duties upon fuch of the faid goods wares or merchandize, as shall be actually re exported in the faid ship or vessel accordingly; any thing herein contained to the contrar not withstanding. Provided always, That the faid master or person having the charge or cargo shall command of the faid ship or vessel shall first ded in the give bond with one or more fureties, in a fun equal to the amount of the duties upon the out not ea. faid goods, wares and merchandize, as the fame shall be estimated by the collector to whom the faid report shall be made, to the satisfaction of the said collector, with condition that the faid goods, wares or merchandize, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or fecured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining draw-Bond not to backs of duties. Provided nevertheless, That fuch bond shall not be required in respect to fels put in the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

After giv. ing bond that his not be lan-States withtered.

be required when veffrom diftreis.

Sec. 19. And be it further enacted, That Dutie tobe shall be lawful for any ship or vessel in which paid only ny goods, wares or merchandize shall be trictswhere rought into the United States from any for goods are eign port or place, to proceed with the fame rom diffrict to diffrict within the United States. order to the landing or delivery thereof; ing the and the duties on fuch of the faid goods only, vessel shall be landed in any district, shall be paid r place r secured to be paid within such district.

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Sec. 20. And be it further enacted, That be Collector ore any thip or vessel shall depart from the to furnish ifrict in which the shall first arrive, for and of a vessel her district, with goods, wares or merchan- bound to ize brought in such ship or vessel from a for trick with lingly eign port or place, the duties whereof shall a copy of his report; of have been paid or secured, the master or erion having the charge or command of fuch-ip or vessel, shall obtain from the collector of he district from which she shall be about to part (who is hereby required to grant the me) a copy of the report made by fuch mafor person having the charge or command fluch ship or yessel, certified by the said colfor, together with a certificate of the quanty and particulars of the goods which shall ppear to him to have been landed within his drict. And within twenty-four hours after which he is te arrival of fuch ship or vessel within any to shew to ther district, the faid master or person having that district te charge or command of fuch ship or vessel within 24 all make report or entry to or with the col- his arrival; for of fuch other district, producing and lewing the faid certified copy of his faid first port, together with a certificate from each pllector of any other district within which any f the goods, wares or merchandize brought fuch ship or vessel shall have been before

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landed, of the quantity and particulars of fud of the faid goods, wares and merchandize shall have been fo landed in each district repectively; except in the state of Georgia where fuch report shall be made within form eight hours: Provided always, That the mal and to give ter or person having the charge or command of the faid thip or veffel thall first give bond with one or more furcties to the fatisfaction of the collector of the district within which the livered in faid thip or veffel thall first arrive, in a fun equal to the amount of the duties on the ref. due of the faid goods, according to fuch elli ported to due of the laid goods, according thereof with condition that the faid refidue of the faid goods shall be duly entered and delivered in fuch other diffrict or diffricts of the United States, for which the fame shall have been in ported to be destined. And the faid bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the diffrict or diffricts for which the faid goods shall have been reported, testfying the due entry and delivery of the faid goods in such district or districts, or upon due proof to the fatisfaction of the collector by whom the faid bond shall have been taken, that fuch entry and delivery were prevented by fome unavoidable accident or cafualty, and that if the whole or any part of the faid goods shall not have been lost, that the same has been duly entered and delivered within the Penalty on United States. And if the master or person having charge or command of any fuch thip or vessel, shall fail by his neglect or fault to obtain the faid copy of his faid report from the collector of the district from which he shall be fo about to depart, or of any certificate

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which he ought to obtain as aforefaid, or shall neglect to produce and fhew the fame to the collector of any other district to which the faid ship or vessel shall afterwards proceed. within the time for that purpose herein before specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.

Sec. 21. And be it further enacted, That the Owner or owner or owners, confignee or confignees of to make enany goods, wares or merchandize on board try of goods of any fuch ship or vessel, or in case of his, her upon oath. of their absence or fickness, his, her or their known factor or agent, in his, her or their names, within fifteen days after report of the mafter or person having the charge or command of fuch ship or vessel to the collector of the district for which fuch goods, wares or merchandize shall be destined, shall make entry thereof with the faid collector, and shall specify in such entry the particular marks, numbers and contents of each package or parcel whereof they shall confist, or if in bulk, the quantity and quality, together with the nett prime cost thereof; and shall also produce to the faid collector, if any fuch there be, the crignal invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all which shall be done upon the oath of the perfon by whom fuch entry shall be made; according to the best of his or her knowledge and belief; who shall thereby also declare that if he or the shall afterwards discover or know of any other goods, wares or merchandize imported in fuch thip or veffel, belonging or configned to the person or persons by whom or on whose behalf fuch entry shall have been made, he or she will forthwith make known the fame, in order to the due entry thereof,

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and the payment or securing the payment of the duties thereupon: Provided always, That where the particulars of any such goods, wares or merchandize shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

And in order to afcertain what articles ought to be exempted from duty, as the sea stores of a ship or vessel,

Sea flores exempt from duty.

Sec. 22. Be it further enacted, That the malter or person having the charge or command of fuch thip or veffel, thall particularly specify the faid articles in the report to be by him made as aforefaid, defignating them as the fea stores of the said ship or vessel; and in the faid oath to be taken by fuch master or other person, he shall declare that the articles so specified as sea stores are truly such, and were bona fide put on board the faid ship or vessel for the use of the officers, crew and paffengers thereof, and were not brought and are not intended by way of merchandize or for fale; whereupon the faid articles shall be free from duty: Provided always, That if it shall appear to the collector to whom fuch report shall be made, together with the naval-officer, where there is one, or alone where there is none, that the quantities of the faid articles fo reported as fea stores are excessive, it shall be lawful for

thereof to be valued and duties thereon paid. of the

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the faid collector jointly with the faid navalofficer, or alone as the cafe may be, in his or their discretion, to estimate the amount of the duty on fuch excess; which shall be forthwith paid by the faid mafter or person having the command or charge of the faid ship or vessel to the faid collector, on pain of forfeiting the value of fuch excess. And if any of the faid ar. Penalty for nicles shall be landed for the purpose of being landing & fold, or to be otherwise used than as the sea them, stores of the ship or vessel in which they were brought, all fuch as shall be so landed shall be forfeited, and the mafter or commander of fuch fhip or vessel being privy thereto, shall moreover forfeit and pay treble the value of the articles fo landed.

And also to ascertain what articles ought to be exempted from duty, as the cloaths, books, houshold furniture, tools or implements of the trade or profession of persons arriving within the United States:

Sec. 23. Be it further enacted, That due entry thereof, as of other goods, wares and Other articles exempt merchandize, but feparate and diftinct from from duty, that of any other goods, wares or merchan to be enterdize imported from a foreign port or place, ly upon shall be made with the collector of the district cath by, owner. m which the faid articles are intended to be landed by the owner thereof, his or her agent, who shall make eath before the faid collector, according to the best of his or her knowledge or belief, touching the person to whom the faid articles shall belong, and his calling or occupation, the arrival or expected arrival of the aid person within the United States, and that the faid articles are truly intended for the ule of the faid owner folely, or jointly with his on

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and if by any other, the oath of the owner to be produced with-

her family, as the case may be, and are not & rectly nor indirectly imported or intended for fale; which oath shall be in writing, endorsed upon the faid entry, and fubfcribed by the party making the same. And in case the said party shall be other than the owner of the faid articles, he or she shall give bond with one or more fureties to the fatisfaction of the faid col. in one year, lector, in a fum equal to what would be the amount of the duties on the faid articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the faid owner, and if not made before the faid collector, shall be produced to him duly authenticated; whereupona permit shall and may be granted for landing the faid articles. And a copy of every fuch enmitted with try, and of the oath endorfed thereupon, shall to feeretary be transmitted to the Secretary of the Treasury of treasury. for his information.

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> And whereas by the letter of the act, intituled, "An act for laying a duty on goods, wares and merchandizes imported into the United States," articles of the growth or manufacture of the United States, exported to foreign countries, and brought back to the United States, are subject to duty on their importation into the faid states; and whereas it was not the intention of Congress that they should be so subject to duty:

Duties paid on articies of the manufac-

Sec. 24. Be it therefore further enacted, That in every case in which a duty may have been growth and heretofore paid on goods, wares or merchanture of the dizes of the growth or manufacture of the D. States, United States, exported to a foreign country, and brought back to the faid states, the amount

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thereof shall be repaid to the person or persons bro't back, by whom the same shall have been paid, or to be refunhis, her, or their representatives; and that in every case in which such duty may have accrued, but may not have been paid, the fame be remitted, and that no fuch duty shall hereafter be demanded: Provided, That the regulations herein after prescribed for ascertaining the identity of fuch goods, wares or merchandize, be observed and complied with, and that as well in respect to those heretofore imported, as far as may be practicable, as to those hereafter to be imported.

And also to ascertain the identity of articles of the growth, product or manufacture of the United States, which having been exported to any foreign port or place, shall be brought

back to the faid states:

Sec. 25. Be it further enacted, That report and to afand entry thereof shall be made as in other ca- certain s of goods, wares and merchandize imported their identity, they from a foreign port or place, and proof by are to be outh of the person or persons having know- catered in edge of the facts, thall be made to the fatif- manner as action of the collector of the district, with other artior manotion of the collector of the difference, and the maported to show fuch entry shall be jointly with the maported to the sal officer, if there be a naval officer, or alone
their imfithere be no naval-officer, that the said artiheir imles had been exported from the United States. s of their growth, product or manufacture. nd of the time when, by whom, in what ship rveffel, and for what port or place they were exported; and if the faid collector shall be ther than the collector of the district from thich the faid articles shall have been expored, a certificate of the latter shall be pro luced othe former, testifying the exportation there-fin conformity to the proof aforesaid: where

upon a permit shall and may be granted for landing the same: Provided, That if the same certificate cannot be immediately produced and if the proof otherwise required shall be made, and if bond shall be given, with one more fureties to the fatisfaction of the collector of the diffrict within which the faid article are intended to be landed, in a fum equal a what the duties would be on the faid article if they were not of the growth, product or ma nufacture of the United States; with cond tion that the faid certificate shall be produce within the term of four months, it shall b lawful for the faid collector to grant a permi for the landing of the faid articles, in like man ner as if the faid certificate had been produced

Oaths to be ed on en ficers of cultoms,

Sec. 26. And be it further enacted, That the administer- oaths to be taken upon making of any of the tries by of reports or entries aforefaid, whether by the mafter or other person having the charged command of any ship or vessel, or the owner or confignee of any goods, wares or merchan dize, his or her factor or agent, shall be adm niftered by the collector or officer to whoma port or entry shall be made, and where the shall be a naval officer, in the presence of su naval-officer, who shall attend for that pu pose, and shall be reduced to writing, and sha be subscribed by the person administering fame, and by the faid naval-officer, if any that be prefent: and the faid collector, jointly wil the faid naval-officer, where there is a nava officer, or alone where there is none, shall a cording to the best of his or their judgment information, make a gross estimate of the the amount of the duties on the goods, weres of the du- merchandize to which the entry of any own or confignee, his or her factor or agent ha

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elate, which estimate shall be endorsed upon schentry, and figned by the officer or officers taking the fame. And the amount of the faid uties according to the faid estimate, having een first paid or secured, pursuant to the proifions of this act, the faid collector shall grant permit to land the goods, wares or merchanize, whereof fuch entry shall have been made. nd then and not otherwise it shall be lawful land the faid goods.

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Sec. 27. And be it further enacted, That not Penalty for ods, wares or merchandize brought in any unlading ip or veffel from any foreign port or place, goods unall be unladen or delivered from fuch, thip, day and vellel, within the United States, but in open with y; that is to fay; between the rifing and ting of the fun, except by special licence om the chief officer of the port for that purle, nor at any time without a permit from e collector for fuch unlading or delivery: dif any goods, wares or merchandize shall unladen or delivered from any fuch thip veffel, contrary to the direction aforefaid. any of them, the mafter or person having command or charge of fuch ship or vessel. devery other person who shall knowingly. concerned or aiding therein, or in removof storing, or otherwife fecuring the faid of wares or merchandize, shall torfeit and the furn of four hundred dollars for each lance; and shall be disabled from holding office of trust or profit under the United , for a term not exceeding feven years ; it hall be the duty of the collector of the ind, to advertise the names of all such perin a newspaper, printed in the state in the refides, within twenty days after each ective conviction. And all goods, wares

and goods to be forfeited. or merchandize fo unladen or delivered, shall become forfeited, and may be feized by any of the officers of the customs; and where the value thereof according to the highest marked price of the same, shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like seizure and forfeiture.

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Goods removed before being weighed or guaged, alto to be forfeited.

Sec. 28. And be it further enacted, That no goods, wares or merchandize brought in ant thip or veffel from any foreign port or place requiring to be weighed or guaged in order to afcertain the duties thereupon, shall be to moved from any wharf or place upon which the fame may be landed or put, before the fame shall have been weighed or guaged, by or under the direction of a proper officer for that purpose; and if any such goods, wares or merchandize shall be removed from such wharf or place, unless with confent of the proper officer, before the same shall have been fo weighed or guaged, the fame shall be for feited, and may be feized by any officer of the customs.

Goods to be flored by the celtector until the duties thereon are afrectained. Sec. 29. And be it further enacted, That all goods, wares or merchandize of which entry thall have been made, without specification of particulars, shall be conveyed to some warehouse or store-house, to be designated by the collector, in the parcel or packages containing the same, under the care of some proper officer, until the particulars thereof shall be examined and ascertained; agreeably to which the duties thereupon shall be finally adjusted and satisfied. And in every case, if the amount of the duties estimated, or secured to be paid shall exceed or fall short of the true amount.

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of the duties on the goods, wares or merchandize imported, as the fame shall be finally ascertained, the difference shall be made good, or allowed where there thall be an excess, by return of the money, if paid, or credit on the bond which shall have been given for the same, fnot paid; and where shall be a deficiency, by ayment of fuch deficiency to the faid collector.

Sec. 30. And be it further enacted, That inspection it shall be lawful for the collector of any difict at which any fhip or veffel may arrive, and for the furveyor of any port where any fuch hip or vessel may be, to put and keep on board fuch thip or vettel, while remaining within fuch district, or in going from one district to another, one or more inspectors to examine the eargo or contents of fuch ship or vessel, and to fuperintend the delivery thereof, or of fo much thereof as shall be delivered within the United States, and to perform such other duties according to law, as they shall be directed by the faid collector or furveyor to perform for the better fecuring the collection of the duties: Provided, That collectors only shall have power to put on board thips or veffels, inspectors to go from one district to another. their duries, And the faid inspector or inspectors shall make known to the person having the charge or command of fuch thip or veffel, the duties he or they is or are so to perform; and shall fufter no goods, wares or merchandize to be landed or unladen from fuch thip or vessel, without a proper permit for that purpose; and shall enter in a book to be by him or each of them kept, the name or names of the person or perions in whose behalf such permit was granted, together with the particulars therein specified, VOL. I. D 2

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and the marks, numbers, kinds and description of the respective packages which shall be in and wages. laded purfuant thereto. And the wages of compensation of such inspector or inspector in going from one district to another, shall a defrayed by the mafter or person having the charge of the veffel in which they respectively go.

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Sec. 31. And be it further enacted, That shall be lawful for all collectors, naval-officen & revenue furveyors, inspectors, and the officers of the go on board revenue cutters herein after mentioned, to on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United State, whether in or out of their respective districts for the purposes of demanding the manifelt aforefaid, and of examining and fearthing the faid ships or vessels; and the faid officers repectively shall have free access to the cabin and every other part of a ship or vessel: and if any box, trunk, cheft, cafk, or other package, shall be found in the cabin, steerage or forecastle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the faid officer to takes particular account of every fuch box, trunk, cask or package, and the marks, if any there be, and a description thereof; and if he shall judge proper to put a feal or feals on every fuch box, cheft, trunk, cask or package; and fuch account and description shall be by him forwarded to the collector of the diffrict to which fuch ship or vessel is bound. And if up on her arrival at the port of her entry, the boxes, trunks, chefts, casks or packages lo described, or any of them shall be missing, or

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cargo, takes trunk, y there e that every e; and by him trict to d if upry, the ages 10 ing, or

the feals put thereon be broken, the mafter Packages or commander of fuch ship or vessel shall for- missingsthe jeeting the seit and pay for every such box, trunk, chest, master to a rafk or package so missing, or of which the penalty. eals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any thip or vef- Hatches of respective el, to secure after sunset in each evening, vessels tobe he hatches and other communications with terfunfet, he hold of fuch ship or vessel, with locks or other proper fastenings, which fastenings shallnot be opened, broken or removed, until the norning following, or after the rifing of the un, and in presence of the inspector or inspecors by whom the fame shall have been affixd, except by special license from the chief oficer of the port. And if the faid locks or other fastenings, or any of them, shall be broken and forfaior removed during the night, or before the ture for aid rifing of the fun, or without the presence opening them in the of the faid inspector or inspectors, the master night. or person having the charge or command of. such ship or vessel, shall forfeit and pay the lum of two hundred dollars.

Sec. 32. And be it further enacted, That when the delivery of goods, wares or mer-the cargo chandize from on board of any fuch ship or delivered reffel at any port shall have been completed, to be comhe accounts or entries which shall have been the entry tept or made thereof by the officer or officers thereof. who shall have been charged with superintendng the faid deliveries, shall be reported to the collector of the district, who, together with the haval-officer, where there is one, or alone where there is none, shall compare the faid accounts and entries with the entry or entries which shall have been made by the owner or owners, confignee or confignees, his, her or

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their factor or agent. And if any difference shall appear, the same shall be noted by en dorfement on fuch entry or entries, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endors ment, that the deliveries have corresponde with the entry; which endorsement or memo randum shall in each case be subscribed by the officer or officers by whom fuch comparison shall have been made, and by the officer of officers under whose inspection the faid deli veries shall have been executed.

Sec. 33. And be it further enacted, That

Goods to be taken by the collecafter report made by master of veffel,

at the expiration of fifteen working days after tor 15 days the time within which the report of the maller or person having the charge or command of any fhip or veffel, is required to be made to the collector of a district as aforesaid, there shall be found on board any goods, wares or merchandize, other than shall have been re ported for some other district or a foreign port or place, the faid inspector or inspectors shall take poffession thereof, and deliver the same to the order of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the mafter or person having such charge or command of fuch ship or vessel, defcribing the packages and their marks and And the faid goods shall be kept numbers. with due and reasonable care at the charge and risk of the owner or owners for a term of nine ed, to have months; and if within that time no claim be them ap made for the same, the said collector shall profold at auc- cure an appraisement thereof by two or more tion, & pay reputable merchants, to be certified under the cccds into hands, and to remain with him, and shall atthe treasury terwards cause the faid goods to be fold at pabe ted states; lic auction, and retaining the duties and char-

who shall keep them 9 months, and if not then claimHereno

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ges thereon, shall pay the overplus, if any there be, into the treasury of the United States, there to remain for the use of the owner or owners. who shall upon due proof of his, her or their property, be entitled to receive the fame; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner. Provided, That where such goods any entry shall have been duly made of such not to be goods, the same shall not be appraised; and if entered, that where fuch goods are of a perishable na- but sold if ture, they shall be sold forthwith. Provided ablenature. further, That the faid limitation of fifteen days Limitation hall not extend to ships or vessels laden with of 15 days falt or coal: but if the faid mafter or owner of not to exany fuch ship or vessel requires longer time to sels laden discharge her cargo, the wages or compensa- with salt or tion of the inspector for every day's attendance exceeding the faid fifteen days, shall be paid by the faid mafter or owner. And if by reason and the exof the delivery of a cargo in different districts, tra wages more than the faid term of fifteen working spectors to days shall in the whole be spent therein, the be paid by the master. wages or compensation of the inspector or infpectors who may be employed on board of any ship or vessel, in respect to which the said

Sec. 34. And be it further enacted, That if Packages any package whatever, which shall have been reported reported as aforefaid, shall be wanting and not disagreefound on board fuch ship or vessel, or if the ment of the goods on board the faid ship or vessel shall report with otherwise not agree with the report of the subjecting the master master or other person having the charge or to a penalcommand of any fuch ship or vessel; in every tysuch case he shall forfeit and pay the sum of

term may be fo exceeded, shall for every day

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five hundred dollars. Provided nevertheless. That if it shall be made to appear to the satisfaction of the collector, naval-officer and surveyor, or the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone where either of the said other officers is not established, or in case of trial for the said penalty, to the satisfaction of the court, that no part of the cargo of such ship or vessel has been unshipped since it was taken on board, except as shall have been specified in the said report, or that the said disagreement is by accident or mistake; in such case the penalty aforesaid shall not be inslicted.

Allowances for the drafts and tare of articles.

Sec. 35. And be it further enacted, That the following allowances shall be made for the drafts and tare of the articles subject to duty by weight; that is to fay: For draught on any quantity of one hundred weight, or one hundred and twelve pounds, and under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, feven pounds; on any quantity above eighteen hundred weight, nine pounds: For tare, on every whole cheft of bohea tea, feventy pounds; on every halfchest, thirty-fix pounds; on every quartercheft, twenty pounds; on every cheft of hyfon or other green tea, the gross weight of which shall be seventy pounds or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds gross,

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eighteen pounds; on all other boxes of tea, according to the invoice thereof; on coffee in bags, two per cent. in bales, three per cent. in casks, twelve per cent.; on pepper in bales, five per cent. in casks, twelve per cent.; on fugars, other than loaf fugar, in casks, twelve per cent. in boxes, fifteen per cent.; on all other goods, according to the invoice thereof. Provided always, That where the original invoices of any of the faid articles are produced, and the tare or tares appear therein, it shall be lawful, with the confent of the importer or importers, confignee or confignees, to estimate the faid tare or tares according to fuch invoice.

Sec. 36. And be it further enacted, That Allowance there shall be an allowance for leakage of two age. per cents on the quantity which shall appear by the guage to be contained in any cask of liquors subject to duty by the gallon.

Sec. 37. And be it further enacted, That if Goods damy goods, wares or merchandize, on which maged durduties are payable, shall receive damage during age, or not the voyage, or shall not be accompanied with the original invoice of their cost, it shall be an invoice, awful for the collector (and upon the request to be apprised to of the party he is required) to appoint one mer- afcertain thant, and the owner or confignee to appoint the duties, mother, who being fworn or affirmed by the collector, well and truly to appraise such goods, hall appraise or value them accordingly, and the duties upon fuch goods shall be estimated greeably to fuch appraisement or valuation: and in respect to such damaged articles as re charged with a specific duty, by number, weight or measure, the faid appraisers shall cerify what in their judgment would have been heir value, in case they had not been so dapaged, and there shall be an abatement in the

ing a voyaccompater kept by the collector until the invoice arrives, if the owner chufes.

duty in proportion to the difference in value and the lat- Provided, That if the owner or owners, confignee or confignees of fuch goods not accom. panied with an original invoice, shall chuse to wait the receipt thereof, in fuch case the said collector shall take into his custody the faid goods, and shall keep or cause the same to be kept with due and reasonable care, at the expense and risk of the party or parties, until the faid invoice shall arrive, or until the faid party or parties shall confent to the valuation thereof.

Ships or veffels compelled by diffress to make entry and protest,

Sec. 38. And be it further enacted, That if any ship or vessel from any foreign port or place, compelled by diffress of weather or other necessity, shall put into any port or place of the United States, not being destined for the fame; and if the mafter or person having charge or command of fuch thip or veffel, to gether with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath before a notary public, or other person duly authorized, or before the collect tor of the district where the faid ship or vesse shall fo arrive, who is hereby empowered to administer the same, setting forth the cause and circumstances of such distress or necessity, and shall within forty-eight hours after such arri val, make report to the faid collector, of the faid ship or vessel and her cargo as in other cases. And if it shall be made appear to the faid collector, by the certificate of the warden of the port, or other officers usually charge with, and accustomed to ascertaining the con dition of ships and vessels arriving in distress if any fuch there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said callector, if no suc

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wardens or other officers there be, that there a necessity for unlading the faid ship or vesel, the faid collector shall grant a permit for hat purpose, and shall appoint an inspector or aspectors to oversee such unlading. And all which that! goods fo unladen shall be stored under the di- bestored under his rection of the faid collector; who, upon re-direction,& quest of the master or other person having the person charge or command of such ship or vessel, or sold by his of the owner thereof, shall grant a licence to license, dipole of such part of the said cargo as may be of a perishable nature (if any there be) or is may be necessary to defray the expenses atlending fuch thip or vessel, and her cargo: Provided, That the duties thereupon be first paid. And the faid goods, or the remainder thereof, may afterwards be reladen on board being first the faid thip or veffel, and the faid thip or vef- paid, and el may proceed with the same to the place relader. of her destination, free from any other charge han for the storing and fafe-keeping of the hid goods. the ad valorem rates of duty upon goods, Rule for

Sec. 39. And be it further enacted, That wares and merchandize at the place of impor- climating tation, thall be estimated by adding twenty remrates of duty at the per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from portation. my place beyond the same; and ten per cent. on the actual cost thereof if imported from my other place or country, exclusive of charges.

Sec. 40. And be it further enacted, That all Rates of fobreign coins and currencies shall be estima- reign coin ed according to the following rates: Each &currency. pound sterling of Great-Britain, at four dolars and forty-four cents; each livre tournois of France, at eighteen cents and an half; each VOL. I.

florin or guilder of the United Netherland at thirty-nine cents; each mark banco of Ham burg, at thirty-three cents and one third; ead rix dollar of Denmark, at one hundred cents each rial of plate of Spain, at ten cents; each milree of Portugal, at one dollar and twenty four cents; each pound sterling of Ireland at four dollars ten cents; each tale of Chin at one dollar forty-eight cents; each paged of India, at one dollar ninety-four cents; ead rupee of Bengal, at fifty-five cents and an half and all other denominations of money in n lue as near as may be to the faid rates.

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Sec. 41. And be it further enacted, That a duties on goods, wares and merchandize in ported, shall be paid or secured to be paid, be or secured fore a permit shall be granted for landing the fame. And where the amount thereof on good imported in any ship or vessel, on account one person only, or of several persons joint interested, shall not exceed fifty dollars, to fame shall be immediately paid; but when the faid amount shall exceed fifty dollars, the fame may, at the option of the proprietor proprietors, confignee or confignees, be ther immediately paid or fecured by board with condition for the payment thereof, if a cruing upon articles of the produce of the West-Indies, in four months; if accrum on Madeira wines, in twelve months; if a cruing upon any other goods, wares or me chandize, other than teas imported from Ch na, in fix months; which bond, at the like of tion of the faid proprietor or proprietors, on fignee or confignees, shall either include on or more fureties, to the fatisfaction of the co lector of the district where the said duties ha accrue, or shall be accompanied with a depos

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n the custody of the said collector, of so much Duties how of the faid goods, as shall in his judgment be or secured. fufficient security for the amount of the duies for which fuch bond shall have been given, nd the charge of the fafe-keeping and fale of he goods fo deposited; which deposit shall nd may be accepted in lieu of the faid furety or fureties, and shall be kept by the faid colector, with due and reasonable care, at the xpense and risk of the party or parties on those account the same shall have been made, intil the fum specified in such bond shall have become due, at which time if fuch fum shall not be paid, fo much of the faid deposited goods smay be necessary, shall be fold at public sale, nd the proceeds thereof, after deducting the harges of keeping and fale, shall be applied o the payment of fuch fum, rendering the verplus and the refidue of the faid goods, if my there be, to the person or persons by from fuch deposit shall have been made, or o his, her or their representatives. Provided, that no person whose bond for the payment fduties is due and unfatisfied, thall be allowda future credit for duties, until fuch bond hall be fully paid or discharged.

Sec. 42. Provided always, and be it further Teas immacted, That all teas imported from China, ported from China may, at the option of the proprietor or con- may be degnee thereof, be deposited in the custody of pointed in custody of he collector with whom the fame shall be collector ntered, or the duties thereon fecured by conditions. ond, with one or more fureties, to the fatifaction of the collector, with condition for the syment of fuch duties within twelve months; and in case of depositing such teas, they shall he kept at the charge of the person or persons a depositing the fame. And the collector shall

deliver such teas, or part thereof, from time to time, to the person or persons depositing the fame, or to his or their order, on payment of the duties for fuch part as may be fo del. vered, and not otherwise; and in case the whole of the duties shall not be paid within eighteen months from the time of the entry made, it shall be the duty of the faid collector to fel at public auction fo much of the faid teas as fhall be fufficient to pay the duties then due together with the charges of fale and fal keeping, and to return the overplus to the person or persons who shall have deposited fuch teas, or his, her or their representatives; brand for such teas as have been imported from his China in the present year, the owner or confignee thereof shall be entitled to deposit the fame, or to give bond, payable in like man iff ner, and under like regulations, as are here for ner, and under like regulations, as are herei before directed for teas which shall hereafte be imported, notwithstanding the duties of fuch teas may have been already secured to be paid.

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Duties on ionnage to be paid within ten days after report has

Sec. 43. And be it further enacted, The the duties imposed by law on the tonnage of any fhip or veffel, shall be paid to the collect tor by the master or person having the charg been made. or command of fuch ship or vessel, within te days after his report to the faid collector and before fuch thip or vessel shall be permit ted to clear out; the register of which shi or vessel shall at the time of entry be lodge in the office of the collector, and there remain until fuch clearance. And if any flip or ve fel fhall leave, or attempt to leave any diffri of the United States, without paying the fai duties, the master or person having the charg or command of the same shall forfeit and pa

five hundred dollars.

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Sec. 44. And be it further enacted. That to Mode of positing scertain the tonnage of any ship or vessel, the ascertaining the tonpayment surveyor, or such other person as shall be apfo deliminated by the collector of the district to meanew shole sure the same, shall, if the said ship or vessel be
eighteen souble decked, take the length thereof from
made, it he fore part of the main stem to the after
or to sell part of the stern post above the upper deck;
It teas as he breadth thereof at the broadest part above
seen due he main wales, half of which breadth shall be then due the main wales, half of which breadth shall be and safe accounted the depth of such vessel, and shall as to the hen deduct from the length three sists of the breadth, multiply the remainder by the deposited the breadth, and the product by the depth, and sed from shall divide this last product by ninety-sive, the or consposit the tents or tonnage of such ship or vessel. And the man is such ship or vessel be single decked, the said se herein surveyor or other person shall take the length mereaster and breadth as above directed, in respect to a suries or double decked ship or vessel, shall deduct from the said length three sists of the breadth, and taking the depth from the under side of the taking the depth from the under fide of the d, The deck plank to the cieling in the hold, shall multiply and divide as aforefaid, and the quotient shall be deemed the tonnage of such ship or veffel.

> Sec. 45. And be it further enacted, That Bond for there any bond for the payment of duties shall duties, how not be fatisfied on the day it became due, the fecuted. collector shall forthwith cause a prosecution to be commenced for the recovery of the money thereon, by action or fuit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from

the deceased, the debt due to the United States, on any such bond, shall be first satisfied.

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Goods entered and not truly invoiced, to be forfeited.

Sec. 46. And be it further enacted, That if any goods, wares or merchandize, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof at the place of exportation, with defign to evade the duties there. upon, or any part thereof, all fuch goods, wares or merchandize, or the value thereof, to be recovered of the person making entry, shall be forfeited. And in every case in which the faid collector shall suspect that any such goods, wares or merchandize, are not invoiced at a fum equal to that for which they have usually been fold in the place or country from whence they were imported, it shall be the duty of fuch collector to take the faid goods, wares and merchandize into his possession, and retain the same, with reasonable care, at the risk and expense of the owner or owners, confignee or confignees thereof, until their value at the time and place of importation shall be afcertained by two reputable merchants, tobe chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice; and until the duties arifing according to fuch valuation shall be first paid, or fecured to be paid, as required by this ad in other cases of importation: Provided, That in case of a prosecution for the forfeiture aforefaid, fuch appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the faid place of exportation.

How to be afcertained.

Officers fufpecting fraud may examine 1 ackages. Sec. 47. And be it further enacted, That it shall be lawful for the collector or other officer of the customs, after entry made of any goods, wares or merchandize, on suspicion of

fraud, to open and examine in the presence of two or more reputable merchants, any package or packages thereof; and if upon examination they shall be found to agree with the entries, the officer making fuch feizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the faid collector or other officer, and allowed in the fettlement of his accounts; but if any of the packages fo examined shall be found to differ in their contents from the entry, then the goods, wares or merchandize contained in fuch package or packages shall be forfeited: Provided, That the faid forfeiture shall not be incurred, if it shall be made appear to the fatiffaction of the collector and naval-officer of the district where the same shall happen, if there be a naval-officer, and if there be no navalofficer, to the fatisfaction of the faid collector, or of the court in which a profecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

Sec. 48. And be it further enacted, That Dutiable every collector, naval-officer and furveyor, or goods conother person specially appointed by either of cealed, how them for that purpose, shall have full power searched and authority to enter any ship or vessel in for and sewhich they shall have reason to suspect any goods, wares or merchandize subject to duty hall be concealed; and therein to fearch for, leize and fecure any fuch goods, wares or merchandize. And if they shall have cause to sufpect a concealment thereof in any particular dwelling-house, store, building or other place, they or either of them shall upon application on oath to any justice of the peace, be entitled

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to a warrant to enter fuch house, fore or other place (in the day time only) and there to fear for fuch goods, and if any shall be found, feize and fecure the fame for trial: and a fuch goods, wares and merchandize, on which the duties shall not have been paid or fecured shall be forfeited.

Collector to take cuftody of goods feized.

Sec. 49. And be it further enacted, That a goods, wares and merchandize which It all h feized by virtue of this act, shall be put in and remain in the cuftody of the collector fuch other person as he shall appoint for the purpose, until such proceedings shall be had by this act are required, to ascertain whether the same have been forfeited or not; and if shall be adjudged that they are not forfeite they shall be forthwith restored to the own or owners, claimant or claimants thereof. An if any person or persons shall conceal or be any goods, wares or merchandize, known them to be liable to feizure by this act, for perfon or perfons shall, on conviction there forfeit and pay a fum double the value of t goods fo concealed or purchased.

O.ficers may make feizure in anydiftri&.

Penalty for

concealing or buying

goods fub-

ject to du-

Sec. 50. And be it further enacted, That shall be the duty of the several officers of t customs to make seizure of, and secure thip or veffel, goods, wares or merchanding which shall be liable to seizure by virtue this act, as well without as within their resp tive districts.

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Sec. 51. And be it further enacted, That Officers for any officer or other person, executing or helled may ing and affifting in the feizure of goods, the plead this be fued or molested for any thing done virtue of the powers given by this act, or virtue of a warrant granted by any judge justice pursuant to law, such officer or of

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person may plead the general isfue, and give this act and the special matter in evidence; and if in fuch fuit the plaintiff be non-fuited, or judgment pass against him, the defendant hall recover double cost; and in actions, fuits or information to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every fuch case the onus probandi shall be upon such claimant. And if any person shall forcibly Penalty for refift, prevent or impede any officer of the impeding officers in cultoms, or their deputies, or any person af- the execufifting them in the execution of their duty, tion of their such person so offending, shall for every offence be fined in a fum not exceeding four hundred dollars.

Sec. 52. And be it further enacted, That eve- collectors, y collector, naval-officer and furveyor shall, naval-officers & furwithin three months after he enters upon the veyors to execution of his office, give bond with one or enter into bonds for more fufficient fureties, to be approved of by performhe comptroller of the treasury of the United ance of due states, and payable to the faid United States, with condition for the true and faithful difharge of the duties of his office according to aw; that is to fay: The collector of Philaelphia, in the fum of fixty thousand dollars: the collector of New-York, fifty thousand lollars: The collector of Boston and Charlesown, forty thousand dollars: The collectors f Baltimore, and Charleston, thirty thousand ollars each: The collector of Norfolk and ortsmouth, fifteen thousand dollars: The coleftors of Portsmouth in New-Hampshire, of alem and Beverly, Wilmington in the state of Delaware, Annapolis, Georgetown in Maryand, Bermuda-hundred and City-point, Alexadria, Wilmington, Newbern and Edenton in Vol. I.

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the state of North-Carolina, Newport and Providence in the state of Rhode-Island and Providence Plantations, ten thousand dollars each: The collectors of Newburyport, Gloucester. Marblehead, Plymouth, Nantucket, Portland and Falmouth, New-London, New-Haven Fairfield, Perth-Amboy, Yorktown, Dumfries, Washington and Cambden, Georgetown in South-Carolina, Beaufort, and Savannah, each five thousand dollars: And all the other collectors in the fum of two thousand dollars each. The naval-officers for the ports of Boston and Charlestown, New-York, Philadelphia, Baltimore, and Charleston, ten thousand dollars each; and all the other naval-officen in the fum of two thousand dollars each. The furveyors of the ports of Boston and Charles. town, New-York, Philadelphia, Baltimore, and Charleston, five thousand dollars each; and all other furveyors one thousand dollar each. Which bonds shall be filed in the office of the faid comptroller, and be by him feverally put in fuit for the benefit of the United States, upon any breach of the condition there of. And as no provision has been heretofore specially made concerning the officers of the customs who may have been heretofore appointed in and for the states of North-Carolina, and Rhode-Island and Providence Plantations; the faid officers respectively shall, within four months after the passing of this ad, give bond with proper furety or fureties, in conformity to the provision aforefaid.

Their fees of office & per centzge. Sec. 53. And be it further enacted, That there shall be allowed and paid to the collectors, naval-officers and surveyors to be appointed pursuant to this act, the sees and percentage following; that is to say: To each

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collector for every entrance of any ship or veffel of one hundred tons burthen or upwards. two dollars and an half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of a ship or veffel under one hundred tons burthen, one dollar and an half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or mafter of any vessel not before enumerated, twenty cents: and where a navalofficer is appointed to the fame port, the faid fees shall be equally divided between the collector and the faid naval-officer, the latter pay- lectors, naing one third of the expence of necessary sta-val-officers tionary, and of the rent of an office to be pro- ors. vided by the collector, at the place affigned for his residence, and as conveniently as may be for the trade of the district: and all fees hall, at the option of the collector, be either received by him or by the naval-officer, the party receiving to account monthly with the other for his proportion or share thereof. To each furveyor for the admeasurement of every hip or veffel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel above two hundred tons,

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two hundred cents; for all other fervices by this act to be performed by fuch furveyor, on board any ship or vessel of one hundred tone pay & fees. and upwards, and having on board goods. wares and merchandize subject to duty, three dollars; for the like fervices on board any this or veffel of less than one hundred tons but. then, having on board goods, wares and mer. chandize fubject to duty, one and an half dol. lar; on all veffels not having on board goods, wares and merchandize fubject to duty, two thirds of a dollar; all which fees shall be paid by the mafter or owner of the ship or vesselin which the faid fervices shall be performed, to the furveyor by whom they shall be performed, if performed by one only for his fole benefit but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the faid fervices shall be performed. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue and charged to the United States. To the measurers, weighers and guagers respectively to be paid by the collector out of the revenue for the measurement of every one hundred bushels of grain, thirty cents; for the measure ment of every one hundred bushels of fall forty cents; for the measurement of every one hundred bushels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the guaging and marking of every cask (to be marked in durable characters with his own name and the quan tity) eight cents; for computing the content

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of, and (if requested by the party) marking cases containing distilled spirits and wines, hree cents per case; for counting the number of bottles of cyder, beer, ale or porter, one cent per dozen; and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New-York and Philadelphia, three fourths of one per centum on the amount of all monies by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all monies by them respectively received on the said account of duties.

And whereas the allowances aforefaid will not afford an adequate compensation to the officers herein after mentioned, by reason of the her or small proportion of business done at the ports be per to which they respectively belong, although be all the said officers are necessary to the accomodation of the inhabitants, the facility of commerce, ot example of the revenue. Therefore,

Sec. 54. Be it further enacled, That in ad- Special at venue, dition to the fees and emoluments which shall lowance to ocrue to the faid officers from the provisions ficers of forefaid, they shall severally have and be enitled to the respective allowances following; to wit: The collector of the districts of Saint Mary's in the state of Georgia, Brunswick, Beaufort, South Quay, Cherrystone, Folly Landing, Annapolis, Yeocomico, Saint Mary's, Oxford, Sagg-Harbour, Passamaquody, the yearly fum of one hundred dollars each. The collectors of the diftricts of Sunbury and Penobscot in Massachusetts, the yearly sum of fixty dollars each. The collectors of the diftids of Hampton, Snowhill, Bridgetown,

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Burlington, Frenchman's-Bay, and Edgartown the yearly fum of fifty dollars each. The fur. veyors of the ports of Fredericksburg, Smithfield, Port-Royal, Suffolk, West-Point, Rich. mond, Petersburg and Little Egg-Harbour, the yearly fum of eighty dollars each. The furvey. ors of the ports of Swansborough, Urbanna Town-Creek, Albany, Hudson, Stonington, East-Greenwich, and Gloucester, fifty dollars each.

Colladors, naval offiof fees.

Sec. 55. And be it further enacted, That every collector, naval-officer, and furveyor, cers & fur-veyors to shall cause to be affixed and constantly kept fet up table in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars; and in case of failure therein shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall de-Penalty for mand or receive any greater or other fee, compenfation or reward, for executing any duty or fervice required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforefaid for the use of the party grieved.

demanding greater or other fees.

Rates of

Sec. 56. And be it further enacted, That coin for re- the duties and fees to be collected by virtue of ceiving du-ties & fees. this act, shall be payable in gold or filver coin at the following rates; that is to fay: The gold coins of France, England, Spain and Portugal, and all other gold coins of equal fineness at eighty-nine cents for every pennyweight: The Mexican dollar at one hundred cents: the crown of France at one dollar and eleven cents; the crown of England at one dollar

and eleven cents; all filver coin of equal fineness, at one dollar and eleven cents per ounce; and cut filver of equal fineness, at one dollar and fix cents per ounce.

Sec. 57. And be it further enacled, That Drawbacks all the drawbacks allowed by law on the ex- able, portation of goods, wares and merchandize imported, shall be paid or allowed by the coleftor at whose office the faid goods, wares and merchandize were originally entered, and not otherwise, retaining one per centum for he benefit of the United States. And that the allowances on dried and pickled fish of the theries of the United States, and on falted provisions of the United States, shall be paid by the collector of the district from which the ame shall be exported, without any deducion or abatement.

Sec. 58. Provided always, and be it further maded, That in order to entitle the exporter and how to r exporters of any goods, wares or merchanfize, to the benefit of the faid drawbacks or allowances, he or she shall, previous to puting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the dishid from which the same are about to be exported, of his, her or their intention to export he same, and of the particulars thereof, and of the casks, cases, chests, boxes and other ackages or parcels containing the fame, or of which the fame confist, and of their respec-Portu-ported articles, of the ship or ships, vessel or eight: reffels in which the person or persons for or by cents: whom, and the place or places from which hey were imported. And in respect to the aid imported articles proof shall be made to

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the fatisfaction of the faid collector, by the oaths of the person or persons (including the Drawbacks faid exporter or exporters) through whole hands the faid articles shall have passed, ac cording to the best of their knowledge and belief, respecting the due importation of the faid articles according to law, and in conformity to fuch notice of their identity, and of the payment or fecuring the payment of the duties thereupon. And in respect to the faid dried and pickled fish and falted provisions proof shall be made to the fatisfaction of the faid collector, according to the circumstance of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were falted within the United States And the faid collector shall inspect or cause to be inspected, the goods, wares or merchandize fo notified for exportation; and if they shall be found to correspond with the notice and proof concerning the fame, the faid collector fhall grant a permit for lading the fame on board the ship or vessel named in such notice which lading shall be performed under these perintendance of the officer by whom the fame shall have been fo inspected. And the saider porter or exporters shall also make oath that the faid goods fo noticed for exportation, and laden on board the faid ship or vessel, are truly intended to be exported to the place whered notice shall have been given, and are not intended to be relanded within the United States; and shall give bond, with one or more fureties to the fatisfaction of the faid collector, in a fum equal to the amount of the drawbacks or allowances on fuch goods, with condition that the faid goods, or any part there of, shall not be relanded in any port or place

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And provided further, That the faid drawbacks or allowances shall not be paid until at least fix months after the exportation of the Fxportafaid goods, and until the faid exporter or ex- goods enporters shall produce to the collector with titled to whom fuch outward entry is made, a certifi- how to be cate in writing of two reputable merchants at proved. the foreign port or place in which the same were landed, together with the oath of the master and mate of the vessel in which they were exported, certifying the delivery thereof. But in case any vessel shall be cast away, or meet with fuch unavoidable accidents as to prevent the landing fuch goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protelt can be had, then the oath of the exporter or exporters, or one of them, shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath, in which case hall and may be lawful for the collector to require fuch farther proof as the nature of the cale may demand.

Provided lastly, That no goods, wares or No draw-merchandize imported, shall be entitled to a back allow-ed, unless it trawback of the duties paid or secured to be amounts to paid thereon, unless such duties shall amount twenty doltwenty dollars at least; nor unless they shall be exported in the same casks, cases, chests, oxes or other packages, and from the diffrict or port into which they were originally imported.

Sec. 59. And be it further enacted, That the r place sums allowed to be paid by law on the exporation of dried or pickled fish, and of salted VOL. I.

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nor on pickled fish, &c. except it amount to three dollars.

provisions, shall not be paid unless the same shall amount to three dollars at least upon one entry.

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Goods entitled to drawback or allowance, to be forfeited if landed after entry made.

Sec. 60. And be it further enacted, That if any goods, wares or merchandize, entered for exportation, with intent to draw back the du. ties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforefaid, all fuch goods wares and merchandize, shall be subject to feizure and forfeiture, together with the fhip or vessel from which such goods shall be land ed, and the veffels or boats used in landing the same; and all persons concerned therein, shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding fir months. And for discovery of frauds, and fe zure of goods, wares and merchandize, ro landed contrary to law, the feveral officer established by this act, shall have the same powers, and in case of seizure the same pro ceedings shall be had, as in the case of goods wares and merchandize imported contrary law: And for measuring, weighing or gang ing goods for exportation, the fame fees the be allowed as in like cases upon the importa tion thereof.

Collectors dit on bonds in cales of exportation.

Sec. 61. And be it further enacted, That may give any goods, the duties upon which shall have further eie- been fecured by bond, shall be re-exporte by the importer or importers thereof, and the faid bond shall become due before theer piration of the time herein before limited to payment of the drawback upon fuch good it shall be lawful for the collector of the di trict from which the faid goods shall har been exported, to give farther credit for

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much of the fum due upon fuch bond, as shall be equal to the amount of the faid drawback, until the expiration of the faid time limited for payment thereof.

And the better to fecure the collection of the faid duties.

Sec. 62. Be it further enacted, That the President President of the United States be empower- may order ed to cause to be built and equipped, so ma- be builtny boats or cutters, not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof hall not exceed ten thousand dollars, which hall be paid out of the product of the duties on goods, wares and merchandize, imported into the United States, and on the tonnage of thips or veffels.

Sec. 63. And be it further enacted, That How to be there shall be to each of the faid boats or cut- officered & ters, one master, and not more than three manned. mates, first, second, and third, four mariners and two boys; and that the compensations and allowances to the faid officers, mariners and boys respectively, shall be, to the master thirty dollars per month, and the subsistence cers, &c. of a captain in the army of the United States; to a first mate twenty dollars per month, to a fecond mate fixteen dollars per month, to a third mate fourteen dollars per month; and to every mate the subsistence of a lieutenant in the faid army; to each mariner eight dollars per month, to each boy four dollars per month; and to each mariner and boy the fame ration of provisions which is or shall be allowed to a foldier in the faid army. The faid allowances for fubfiftence to be paid in provisions or mo-

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ney at the contract prices, at the option of the Secretary of the Treasury.

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and to be appointed by the Prefident.

Their duty.

Sec. 64. And be it further enacted, That the officers of the faid boats or cutters, shall be appointed by the Prefident of the United States, and shall respectively be deemed officers of the customs, and shall have power and authority to go on board of every thip or vessel which shall arrive within the United States, or with. in four leagues of the coast thereof, if bound for the United States, and to fearch and examine the fame and every part thereof, and to demand, receive and certify the manifelts herein before required to be on board of certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the holds of ships or vessels, and to remain on board the faid ships or vesfels until they arrive at their places of destination.

Collectors may emplay row boats. Sec. 65. And be it further enacted, That the collectors of the respective districts may, with the approbation of the Secretary of the Treafury, provide and employ such small open row and fail boats in each district, together with the requisite number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships and vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of duties.

Penalty on officers receiving a bribe or conniving at a false entry. Sec. 66. And be it further enacted, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandize, and shall be

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hereof convicted, every fuch officer shall foreit and pay a fum not less than two hundred. for more than two thousand dollars for each ffence; and any person giving or offering ny bribe, recompense or reward for any fuch eception, collusion or fraud, shall forfeit and ay a fum not less than two hundred, nor more han two thousand dollars for each offence. and in all cases where an oath is by this act On masters equired from a mafter or other person having of vessels or ommand of a ship or vessel, or from an owner shall take a confignee of goods, wares and merchandize, false oath. is or her factor or agent, if the person so wearing shall swear falfly, such person shall, n indictment and conviction thereof, be puished by fine or imprisonment, or both, in e discretion of the court before whom the onviction shall be had, so as the fine shall not acced one thousand dollars, and the term of aprisonment shall not exceed twelve months.

Sec. 67. And be it further enacted, That all Mode of enalties accruing by any breach of this act, profecuting all be fued for and recovered with costs of ing penalit, in the name of the United States of Ameri- feitures. , in any court proper to try the fame, and e trial of any fact which may be put in ife, shall be within the judicial district in which ly fuch penalty shall have accrued, and the blector, within whose district the seizure shall made, is hereby authorized and directed to use suits for the same to be commenced and ofecuted to effect, and to receive, distribute d pay the fum or fums recovered, after first ducting all necessary costs and charges, acrding to law. And that all ships or vessels, ods, wares or merchandize, which shall beme forfeited by virtue of this act, shall be zed, libelled and profecuted as aforefaid, in

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Mode of & recovering penal-Leitures.

the proper court having cognizance thereof; profecuting which court shall cause fourteen days notice to be given of fuch feizure and libel, by can fing the fubstance of fuch libel, with the order of the court thereon, fetting forth the time and place appointed for trial, to be inferted in fome newspaper, published near the place of feizure, and also by posting up the same in the most public manner for the space of four. teen days, at or near the place of trial, for which advertisement a sum not exceeding to dollars shall be paid; and proclamation shall be made in fuch manner as the court shall de rect; and if no person shall appear to claim fuch ship or vessel, goods, wares or merchan dize, the fame shall be adjudged to be forfer ted; but if any person shall appear before sud judgment of forfeiture, and claim any fud ship or vessel, goods, wares or merchandiz and shall give bond to defend the profecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law: And upon the prayer of any claiman to the court, that any ship or vessel, goods wares or merchandize fo feized and profect ted, or any part thereof should be delivered to fuch claimant, it shall be lawful for the court to appoint three proper persons to praise such ship or vessel, goods, wares or me chandize, who shall be fworn in open com for the faithful discharge of their duty; fuch appraisement shall be made at the expend of the party on whose prayer it is granted and on the return of such appraisement, if the claimant shall with one or more sureties to claimant shall, with one or more sureties, to be approved of by the court, execute a bon in the usual form, to the United States, to

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ereof; he payment of a fum, equal to the fum at Mode of notice which the ship or vessel, goods, wares or mer-presecuting handize, so prayed to be delivered, be ap- ing penalhip or vessel, goods, wares or merchandize, feitures. be delivered to the faid claimant, and the aid bond shall be lodged with the proper of-icer of the court; and if judgment shall pass n favor of the claimant, the court shall cause he faid bond to be cancelled; but if judgment shall pass against the claimant, as to the shole or any part of such ship or vessel, goods, wares or merchandize, and the claimant shall not within twenty days thereafter, pay into he court the amount of the appraised value of uch ship or vessel, goods, wares or merchan-lize so condemned, with the costs, the bond hall be put in fuit. And when any profecu-ion shall be commenced on account of the andize ion shall be commenced on account of the ecution feizure of any ship or vessel, goods, wares or he shall merchandize, and judgment shall be given for process the claimant or claimants; if it shall appear to ding to the court before whom such prosecution shall laims be tried, that there was a reasonable cause of good seizure, the same court shall cause a proper prosecution such case the claimant shall not be entitled to softs, nor shall the person who made the seizure, or the prosecutor be liable to action, suit and among the prosecutor be liable to action, suit and among the prosecutor of such seizure or or me or judgment, on account of fuch feizure or en cour profecution. Provided, That the ship or vefexpense judgment, forthwith returned to such claimant or claimants, his, her or their agents: And at, if the provided, That no action or profecution shall eties, to be maintained in any case under this act, una both less the same shall have been commenced, with-

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in three years next after the penalty or for feiture was incurred.

Veffels or goods condemned, how to be fold.

Sec. 68. And be it further enacted, That all ships, vessels, goods, wares or merchandize, which shall be condemned by virtue of the act, shall be fold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction by order of such court, and at such place at the court may appoint, giving at least sistem days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto, for which advertising a sum not exceeding sive dollars shall be paid.

Appropriation of times, penalties & forfeitures.

Sec. 69. And be it further enacted, That a penalties, fines and forfeitures, recovered by virtue of this act, (and not otherwise appropriated) shall, after deducting all proper coll and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into equal parts and paid to the collector and naval-officer of the district, and surveyor of the port wheren the fame shall have been incurred, or to fuch of the faid officers as there may be in the faid district; and in districts where only one of the aforefaid officers shall have been established the faid moiety shall be given to fuch officer: Provided nevertheless, That in all cases where fuch penalties, fines and forfeitures shall be recovered in pursuance of information given to fuch collector, by any person other than the naval-officer or furveyor of the district, the one half of fuch moiety shall be given to the in-

former, and the remainder thereof shall be disposed of between the collector, naval-offieer and furveyor or furveyors, in manner aforefaid.

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Sec. 70. And be it further enacted, That Dutiable no goods, wares or merchandize of foreign reign. growth or manufacture, fubject to the pay- growth or ment of duties, shall be brought into the ture United States from any foreign port or place brought inin any other manner than by fea, nor in any ted Stares, thip or vessel of less than thirty tons burthen, except by sea, and in except within the district of Louisville, nor certain vesshall be landed or unladen at any other place fel, subthan is by this act directed, under the penalty feiture. of seizure and forfeiture of all fuch vessels, and of the goods, wares or merchandize brought in, landed or unladen, in any other manner. And all goods, wares and merchandize brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the fame; provided nothing herein shall be construed to extend to household furniture and cloathing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

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Sec. 71. And be it further enacted, That collectors, all matters by this act directed to be done to may act by or by the collector of a district, shall and may be done to and by the person who in the cases specified in this act is or may be authorized to act in the place or stead of the said collector.

Sec. 72. And be it further enacted, That Affirmawherever an oath is required by this act, per- tion may be ions conscientiously scrupulous shall be per- nead of an mitted to affirm.

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Velicis bound to foreign ports to deliver manifefts of their cargoes.

Sec. 73. And be it further enacted, The the master or person having the charge or command of a ship or vessel bound to a for reign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of the cargo on board the fame, and shall make oath or affirmation to the truth thereof, where upon the faid collector shall grant a clearance for the faid ship or vessel, and her cargo, but without specifying the particulars thereof, unless required by the faid master or person have Penalty for ing faid charge or command. And if any his or veffel bound to a foreign port or place, shall depart on her voyage to fuch foreign port of place without fuch clearance, the faid mafter or person having the faid charge or command shall forfeit and pay the sum of two hundre dollars for fuch offence.

Sec. 74. And be it further enacted, Tha

negled of clearance.

Formera As repealed.

after the first day of October next, the ad intituled, " An act to regulate the collection of the duties imposed by law on the tonnag of fhips or veffels, and on goods, wares an merchandizes imported into the United States, and also all other acts or parts of acts coming within the purview of this act, shall be repeat Exceptions. ed, and thenceforth cease to operate, exceptions. as to the continuance of the officers appointed in pursuance of the faid act; except also ast the recovery and receipt of fuch duties of goods, wares and merchandize, and on the tonnage of ships or vessels, as shall have a crued, and as to the payment of drawback and allowances in lieu thereof, upon the portation of goods, wares or merchandia which shall have been imported, and as to the recovery and distribution of fines, penaltic

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the ex chandiz as to th penaltie and forfeitures which shall have been incurred before or upon the faid day, fubject nevertheless to the alterations contained and expressed in this present act.

And whereas by the act, intituled, " An Declaraact to regulate the collection of the duties im- specingthe posed by law on the tonnage of ships or ves- ruble of Rutsia. fels, and on goods, wares and merchandizes imported into the United States," it was declared that the ruble of Russia should be rated at one hundred cents, and by the act, intituled, "An act to explain and amend an act, intituled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," that part of the faid first mentioned act which fo rated the ruble of Ruffia was repealed and made null and void. And whereas it is doubted whether the faid repeal can operate with respect to duties incurred prior thereto, as was intended by Congress:

Sec. 75. Therefore be it enacted and declared, That the faid repeal shall be deemed to opeate in respect to all duties which may have rifen or accrued prior thereto.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the fourth, 1790: GEORGE WASHINGTON, President of the United States.

## CHAPTER XXXVI.

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An Act to continue in Force for a limited Time an Act, intituled, " An Act for the tempo rary Establishment of the Post-Office."

(EXPIRED.)

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An Act for the Relief of John Stewart and John Davidson.

(PRIVATE.)

## CHAPTER XXXVIII.

An Act to provide more effectually for the Satlement of the Accounts between the Unite States and the individual States.

E it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That a board, to confift of three commissioners, be, and hereby is established to settle the accounts between the United States, and the individual states; and the determination of majority of the faid commissioners on the claims ay fubmitted to them, shall be final and conclufive; and they shall have power to employ fuch number of clerks as they may find no ceffary.

Sec. 2. And be it further enacted, That the iples faid commissioners shall respectively take at lates

Board of 3 oners to be a pointed,

oath or affirmation before the chief justice of who are t the United States, or one of the affociate or take an oath; diffrict judges, that they will faithfully and impartially execute the duties of their office. And hey shall each of them be entitled to receive the rate of two thousand two hundred and their salafifty dollars per annum, payable quarter year- ry. y at the treasury of the United States, for their respective services.

Sec. 3. And be it further enacted, That it Mode of hall be the duty of the faid commissioners to procedure eceive and examine all claims which shall be ing claims. xhibited to them before the first day of July. one thousand seven hundred and ninety-one, nd to determine on all fuch as shall have acrued for the general or particular defence duing the war, and on the evidence thereof, ac-ording to the principles of general equity although fuch claims may not be fanctioned by the resolves of Congress, or supported by egular vouchers) so as to provide for the final ettlement of all accounts between the United tates and the states individually; but no evience of a claim heretofore admitted by a comifficient of the United States for any state or
infinitely, shall be subject to such examination;
inission or shall the claim of any citizen be admitted
enter the sacharge against the United States in the
and the account of any state, unless the same was alion of a weed by such state before the twenty-fourth
ay of September, one thousand seven hundred
conclusions.

employ Sec. 4. And be it further enacted, That it To liqui-find no hall be the duty of the faid commissioners to date to spe-cie value ramine and liquidate to specie value, on prin-debits of That the siples of equity, the credits and debits of the debits of take at less already on the books of the treasury for flates.

be Set-United

Time,

bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eight.

On the final fettlement, aggregate of all the balances to be apportioned between the flates.

Sec. 5. And be it further enacted, That the commissioners shall debit each state with all advances which have been, or may be made to it by the United States, and with the interest thereon to the last day of the year one thou fand feven hundred and eighty-nine, and hall credit each state for its disbursements and advances on the principles contained in the third fection of this act, with interest to the day afore faid, and having struck the balance due to each state, shall find the aggregate of all the ba lances, which aggregate shall be apportioned be tween the states agreeably to the rule herein after given; and the difference between fud apportionments, and the refpective balances shall be carried in a new account to the debit or credit of the states respectively, as the cale niay be.

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The rule of apportion-ment.

Sec. 6. And be it further enacted, That the rule for apportioning to the states the aggregate of the balances sirst abovementioned, shall be the same that is prescribed by the consistution of the United States, for the apportion ment of representation and direct taxes, and according to the sirst enumeration which shall be made.

Creditor flates to have their balances funded. Sec. 7. And be it further enacted, That the states who shall have balances placed to the credit on the books of the treasury of the United States, shall within twelve months after the same shall have been so credited, be entitled to have the same funded upon the same terms with the other part of the domestic deto of the United States; but the balances so credited to any state shall not be transferable.

Sec. 8. And be it further enacted, That the Salaries of clerks employed, or to be employed by the the clerks. faid commissioners, shall receive like salaries as clerks employed in the treasury department.

Sec. 9. And be it further enacted, That the Continupowers of the faid commissioners shall continue ance of the until the first day of July, one thousand seven oners' powhundred and ninety-two, unless the business ershall be fooner accomplished.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

10HN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the fifth, 1790:

GEORGE WASHINGTON. President of the United States.

## CHAPTER XXXIX.

An Act making further Provision for the Payment of the Debts of the United States.

THEREAS, by an act, intituled, "An act for laying a duty on goods, wares Recitain and merchandizes imported into the United states," divers duties were laid on goods, wares and merchandize fo imported, for the tischarge of the debts of the United States, and the encouragement and protection of mausactures: And whereas the support of goternment and the discharge of the said debts, ender it necessary to encrease the said duties:

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From & afthe present duties on cified artitherof.

Sec. 1. Be it enacted by the Senate and House ter the 312 of Representatives of the United States of Am of Dec. next rica in Congress affembled, That from an after the last day of December next, the day certain spe- ties specified and laid in and by the act afore cles to cease faid, shall cease and determine; and that us &otherdu on all goods, wares and merchandize (no fed in lieu herein particularly excepted) which after the faid day shall be brought into the United States from any foreign port or place, there shall be levied, collected and paid the feveral and to - spective duties following, that is to fay: Ma deira wine of the quality of London partice lar, per gallon, thirty-five cents; other Ma deira wine, per gallon, thirty cents; Shem wine, per gallon, twenty-five cents; other wines, per gallon, twenty cents; distilled f rits, if more than ten per cent. below prod according to Dycas's hydrometer, per gallor twelve cents; if more than five, and not mor than ten per cent. below proof, according t the fame hydrometer, per gallon, twelve an an half cents; if of proof, and not more that five per cent. below proof, according to the fame hydrometer, per gallon, thirteen cents if above proof, but not exceeding twenty p cent. according to the fame hydrometer, pe gallon, fifteen cents; if of more than twent and not more than forty per cent. about proof, according to the fame hydrometer, p gallon, twenty cents; if of more than forty cent. above proof, according to the fame by drometer, per gallon, twenty-five cents; me lasses, per gallon, three cents; beer, ale an porter in casks, per gallon, five cents; beer, and porter in bottles, per dozen, twenty cents Teas from China and India, in thips or veffels the United States, bohea per pound, ten cents

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fouchong and other black teas, per pound, from & at eighteen cents; hyson, per pound, thirty-two of Dec next the present cents; Teas from Europe, in ships or vessels duties on certain specof the United States, bohea per pound, twelve cified articents; fouchong and other black teas, per clestocease pound, twenty-one cents; hyfon, per pound, duties imforty cents; other green teas, per pound, tweny-four cents: Teas from any other place, or in any other ships or vessels, bohea per pound, ifteen cents; fouchong and other black teas er pound, twenty-feven cents; hylon per ound, fifty cents; other green teas per pound, hirty cents; coffee per pound, four cents; co-Shern to per pound, one cent; loaf fugar per pound, one cent; other fugar per pound, one and the first per pound, one and the first per pound, two and the proof of the cent; other fugar per pound, two and the proof of the cent; candles of tallow per pound, gallon wo cents; candles of wax or spermaceti per that the cents; foap per pound, two cents; pepper per celve and bund, fix cents; pimento per pound, four one that the cents; manufactured tobacco per pound, fix g to the cents; four per pound, the cents; indigo per the cents in the cents is to the cents. menty process; included per pound, ten cents; indigo per on cents bund, twenty-five cents; cotton per pound, one eter, process; nails and spikes per pound, one on twenty but; barr and other lead per pound, one of twenty but; steel unwrought per one hundred and nt. abou elve pounds, seventy-five cents; hemp per neter, pe hundred and twelve pounds, fifty-four ats; cables per one hundred and twelve forty P fame h unds, one hundred cents; tarred cordage ents; more hundred and twelve pounds, one hundred and twelve pounds, one hundred and twelve pounds, one hundred cordage and varn per r, ale an ad cents; untarred cordage and yarn per beer, 2 chundred and twelve pounds, one hundred nty cents i fifty cents; twine and pack thread per reffels chundred and twelve pounds, three hunten cents id cents; falt per bushel, twelve cents; mals

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per bushel, ten cents; coal per bushel, three

cents; boots per pair, fifty cents; shoes, sip. pers and goloshoes, made of leather, per pair, feven cents; shoes and slippers made of filk or fruff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking glaffes, window and other glafs, and all manufactures of glass, (black quart bottles excepted) twelve and an half per centum ad valorem; marble, flate and other stones, bricks, tiles, tables, mortars and other utenfils of marble or flate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, paste-boards, parchment and vellum, pictures and prints, painters colors, including lampblack, except those commonly used in dying, gold, silver and centum ad plated ware, gold and filver lace, jeweller and paste work, clocks and watches, shoe and knee buckles, grocery, (except the articles before enumerated) namely, cinnamon, cloves, mace, nutmegs, ginger, annifeed, currants, dates, figs, plumbs, prunes, raifins, fugar-candy, oranges, lemons, limes, and generally, all fruits and comfits, olives, capers and pickles of every fort, oil, gun-powder, mustard in flour, ten per centum ad valorem; cabinetwares, buttons, faddles, gloves of leather, han of beaver, felt, wool, or a mixture of any of them, millenary ready made, castings of iron and flit and rolled iron, leather tanned or taw ed, and all manufactures of which leather the article of chief value, except fuch as an herein otherwife rated, canes, walking-flick and whips, cloathing ready made, bruthes, chors, all wares of tin, pewter, or copper, 2 or any of them, medicinal drugs, except the

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commonly used in dying, carpets and carpet- on certain ing, all velvets, velverets, fattins and other other artiwrought filks, cambrics, muslins, muslinets, rates per lawns, laces, gauzes, chintzes, and colored cal- centum ad licoes, and nankeens, feven and an half per centum ad valorem. All goods, wares and merchandize imported directly from China or India in thips or veffels not of the United States, teas excepted, twelve and an half per centum ad valorem. All coaches, chariots, phætons, chaifes, chairs, folos or other carriages, or parts of carriages, fifteen and an half per centum ad valorem; and five per centum ad valorem upon all other goods, wares and merchandize, except bullion, tin in pigs, tin plates, old pewter, brafs teutenague, iron and brass wire, copper in plates, salt petre, plaister of Paris, wool, dying woods, and dying drugs, raw hides and fkins, undreffed furs of every kind, the fea-stores of ships or vessels, the cloaths, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the United States, philosophical apparatus, specially imported for any feminary of learning, all goods intended to be re-exported to a foreign port or place, in the same ship or vessel in which they shall be imported, and generally, all articles of the growth, product or manufactures. of the United States. of your series Sec. 2. And be it further enacted, That an Alfo an ad-

addition of ten per centum shall be made to ty of 10 per the several rates of duties above specified and centum on imposed, in respect to all goods, wares and of duty bemerchandize, which after the faid last day of fore special December next, shall be imported in ships or veffels not of the United States, except in the cases in which an additional duty is herein be-

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fore fpecially laid on any goods, wares or mer. chandizes, which shall be imported in such thips or vessels.

Drawback for goods exported within 12 months.

Sec. 3. And be it further enacted, That all duties which shall be paid or secured to be paid by virtue of this act, shall be returned or discharged in respect to all such goods, wares or merchandize, whereupon they shall have been fo paid, or fecured to be paid, as, within twelve calendar months after payment made or fecurity given, shall be exported to any foreign port or place, except one per centum on the amount of the faid duties, which shall be retained as an indemnification for whatever expense may have accrued concerning the fame.

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Bounty on exportation of dried or pickled fifh, and falted provifions.

Sec. 4. And be it further enacted, That there shall be allowed and paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the faid states, which after the faid last day of December next shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the falt which thall have been expended thereupon, according to the following rates; namely: Dried fish per quintal, ten cents; pickled fish and other salted provisions per barrel, ten cents.

Duties or drawback on a speciof goods, to apply in proportion as to other quantities. Duties accruing .bo. within a certain time remitted.

Sec. 5. And be it further enacted, That where duties by this act are imposed, or drawthe quantity backs allowed on any specific quantity of goods, wares and merchandize, the fame thall be deemed to apply in proportion to any quantity, more or less, than such specific quantity.

Sec. 6. And be it further enacted, That all the duties which by virtue of the act, intituled, " An act for laying a duty on goods, wares and merchandizes imported into the United

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tates," accrued between the time specified n the faid act for the commencement of the aid duties, and the respective times when the ollectors entered upon the duties of their repective offices in the feveral districts, be, and hey are hereby remitted and discharged, and hat in any case in which they may have been aid to the United States, restitution thereof all be made.

Sec. 7. And be it further enacted, That the Continuance of the veral duties imposed by this act shall contiduty by ue to be collected and paid, until the debts this act imnd purposes for which they are pledged and propriated, shall be fully discharged: Proded, That nothing herein contained thall be instrued to prevent the legislature of the nited States from substituting other duties taxes of equal value to any or all of the d duties and imposts.

REDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

PPROVED, August the tenth, 1790:

GEORGE WASHINGTON,

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Prefident of the United States.

# CHAPTER XL.

An Act to enable the Officers and Soldiers of Wirginia Line on continental Establishment, obtain Titles to certain Lands lying Northwood the River Ohio, between the Little Mia and Sciota.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assemble. That the act of Congress of the seventeenth July, one thousand seven hundred and eight eight, relative to certain locations and surrounded by, or on account of the Virginia troe on continental establishment upon lands he tween the Little Miami and Sciota rive north-west of the Ohio, be, and the same hereby repealed.

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Act of former Congress repealed,

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Recital.

And whereas the agents for fuch of t troops of the state of Virginia, who serveds the continental establishment in the army the United States, during the late war, ha reported to the executive of the faid fai that there is not a fufficiency of good land the fouth-easterly fide of the river Ohio, cording to the act of cession from the said to to the United States, and within the lim affigned by the laws of the faid state, to fain the faid troops for the bounty lands due them, in conformity to the faid laws: to intent therefore that the difference between what has already been located for the faid troop on the fouth-easterly fide of the faid river, 2 the aggregate of what is due to the whole the faid troops, may be located on the north westerly side of the faid river, and between Sciota and Little Miami rivers, as stipulated the faid state:

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Set. 2. Be it further enacted, That the Ses at war to etary of the department of war, shall make make return to the executive of the state of Vir- turn to the inia of the names of fuch of the officers, non- of Virginia ommissioned officers and privates of the line of of those ene faid state, who served in the army of the bounty Inited States, on the continental establishent, during the late war, and who in conrmity to the laws of the faid state, are entled to bounty lands; and shall also in such turn state the aggregate amount in acres due the faid line by the laws aforefaid.

Sec. 3. And be it further enacted, That it Agents to all and may be lawful for the faid agents to tain lands cate to and for the use of the said troops, for the use etween the rivers Sciota and Little Miami, troops; uch a number of acres of good land, as, all, together with the number already loated between the faid two rivers, and the umber already located on the fouth-easterly de of the river Ohio, be equal to the agregate amount, fo to be returned as aforeaid by the Secretary of the department of var.

Sec. 4. And be it further enacted, That the aid agents, as foon as may be after the loations, furveys and allotments are made and ompleted, shall enter in regular order, in a and to enook to be by them provided for that purpose, book the ween the faid two rivers, annexing the name tion and firely be bounds of each location the officer, non-commissioned officer or furvey. rivate originally entitled to each; which enries being certified by the faid agents, or the najority of them, to be true entries, the book ontaining the fame shall be filed in the office f the Secretary of State.

Sec. 5. And be it further enacted, That it

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Prefident to canfe letters patent to be made out to those entitled to bounty lands.

shall be lawful for the President of the Unit States to cause letters patent to be made in fuch words and form as he shall devise direct, granting to fuch person so original entitled to bounty lands, to his use, and the use of his heirs or assigns, or his or the legal representative or representatives, his, he or their heirs or affigns, the lands, defignate in the faid entries: Provided always, That be fore the feal of the United States shall be a fixed to fuch letters patent, the Secretary the department of war shall have indorfe thereon that the grantee therein named, wa originally entitled to fuch bounty lands, an that he has examined the bounds thereof with the book of entries filed in the office of the Secretary of State, and finds the fame tre inferted; and every fuch letters patent shall be counterfigned by the Secretary of State, and minute of the date thereof, and of the name of the grantee shall be entered of record in his office, in a book to be specially provide for the purpose.

Secretary of fate to transmit the execu-

Sec. 6. And be it further enacted, That shall be the duty of the Secretary of State, a the same to soon as may be after the letters patent shall be tive of Vir- fo completed and entered of record, to trans mit the same to the executive of the state of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

Letters patent obtained without lecs.

Sec. 7. And be it further enacted, That no fees shall be charged for such letters patent and record, to the grantees, their heirs of Unit

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REDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the tenth, 1790: GEORGE WASHINGTON,

Prefident of the United States.

# CHAPTERXIA

In Act authorizing the Secretary of the Treasury to finish the Light-House on Portland-Head, in the District of Maine.

DE it enacted by the Senate and House of Representatives of the United States of Amein Congress affembled, That there be ap- 1500 dolropriated and paid out of the monies arising priated. from the duties on imports and tonnage, a fum ot exceeding fifteen hundred dollars, for the urpose of finishing the Light-House on Portand-Head, in the district of Maine; and that he Secretary of the Treasury, under the diections of the President of the United States, authorized to cause the faid light-house to e finished and completed accordingly.

FREDERICK AUGUSTUS MUHLENBERG

Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the tenth, 1790:

GEORGE WASHINGTON. Prefident of the United States.

VOL. I.

# CHAPTER XLII.

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An Act to alter the Times for holding the Courts Courts of the United States in the Diffri of South-Carolina and Georgia, and provide that the District Court of Pennsylvania, he in future be held at the city of Philadelph only.

Circuit courts when and where to be held.

Section 1. DE it enacted by the Senate a House of Representatives of t United States of America in Congress affemble That the circuit courts of the United States the districts of South-Carolina and Georgi shall for the future be held as follows, to with In the district of South-Carolina on the twent fifth day of October next, at Charleston, an in each fucceeding year at Columbia, on t twelfth day of May, and in Charleston the twenty-fifth day of October; in the trict of Georgia on the fifteenth day of 0 tober next, at Augusta, and in each success ing year at Savannah, on the twenty-fifth de of April, and at Augusta on the fifteenth de of October; except when any of those day shall happen to be Sunday, in which case to court shall be held on the Monday following And all process that was returnable under the former law at Charleston, on the first day October next, and at Augusta on the seven teenth day of October, shall now be deeme returnable respectively at Charleston on the twenty-fifth day of October next, and Augusta on the fifteenth day of October nex any thing in the former law to the contra notwithstanding.

Part of a former act repealed.

Sec. 2. And be it further enacted, That much of the act, entitled, "An act to establi the judicial courts of the United States,"

frects that the district court for the district of Pennsylvania shall be held at Yorktown in the aid state, be repealed; and that in future the iffrict court for Pennsylvania be held in the ity of Philadelphia.

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FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives. OHN ADAMS, Vice-President of the United States, and President of the Senate. APPROVED, August the eleventh, 1790:

GEORGE WASHINGTON,

President of the United States.

### CHAPTER XLIU.

In Act declaring the Affent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode-Island and Providence Plantations.

(EXPIRED.)

#### CHAPTER XLIV.

A Act for the Relief of disabled Soldiers and Seamen lately in the Service of the United States, and of certain other Persons.

E it enacted by the Senate and House of Representatives of the nited States of America in Congress assembled, hat Stephen Califfe, Jeremiah Ryan, Jooh M'Gibbon, Samuel Garretson, Ephraim Persons cu-Coy, Christian Khun, David Steele, Joseph titled to buttlief, and Daniel Culver, disabled foldiers pensions, & tely in the service of the United States, be rate.

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Versons en- allowed pensions at the rate of five dollars per pensions, & month from the time their pay in the army to spectively ceased. That Christian Wolfe, a dia abled foldier, be allowed a penfion at the rate of four dollars per month from the date of his discharge. That Edward Scott, a disabled foldier, be allowed a pension at the rate of three dollars per month from the date of his dil That David Weaver and George Schell, disabled foldiers, be each allowed pension, at the rate of two dollars per month, from the date of their respective discharges. That Seth Boardman, a difabled foldier, be allowed a pension, at the rate of three dollar and one third of a dollar per month, from the feventeenth day of March, one thousand seven hundred and eighty-fix. That Severinus Kock a disabled captain of colonel Jacob Klock's re giment of New-York militia, be allowed a perfion, at the rate of five dollars per month, from the twentieth day of August, one thousand se ven hundred and feventy-feven. That John Younglove, a disabled major of colonel Lewi Van Woort's regiment of New-York milita be allowed a pension at the rate of fix dollar per month, from the thirtieth day of July, one thousand seven hundred and eighty-one, The William White, a difabled private of colone Williams regiment of New-York militia, b allowed a pension, at the rate of three dollar and one third of a dollar per month, from the first day of April, one thousand seven hun dred and eighty-fix. That Jacob Newkerk, disabled soldier of colonel John Harper's to giment of New-York state troops, be allowed a pension, at the rate of three dollars pe month, from the twenty-fecond day of Ode ber, one thousand seven hundred and eight

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That David Poole, a disabled seaman lately in the fervice of the United States, be allowed a pension of five dollars per month, to commence on the fifth of March, one thousand feven hundred and eighty-nine.

Sec. 2. And be it further enacted, That Ca- Sum grantleb Brewster, lately a lieutenant, who was fion allowwounded and disabled in the service of the ed to Caleb United States, be allowed three hundred fortyeight dollars and fifty-feven cents, the amount of his necessary expenses for fustenance and medical affistance, while dangerously ill of his wounds, including the interest to the first of July, one thousand seven hundred and ninety. And that the faid Brewster be allowed a penfion equal to his half pay as lieutenant, from the third of November, one thousand seven hundred and eighty three, he first having returned his commutation of half pay.

Sec. 3. And be it further enacted, That Na- Pension ak thaniel Gove, a disabled lieutenant, lately in lowed to N. the service of the United States, be allowed a pension, at the rate of fix dollars and two thirds of a dollar per month, from the twentieth of May, one thousand seven hundred and seventy-eight, to the first day of July, one thousand seven hundred and eighty-six, and that he be allowed at the rate of thirteen dollars and one third of a dollar per month, from the faid first day of July, one thousand seven hundred and eighty-fix.

Sec. 4. And be it further enacted, That the Commiscommissioner of army accounts be authorized some of and directed to fettle the pay and depreciation army acof pay of John Stevens, a hostage in the late settle pay, war at the capitulation of the cedars, as a cap- &c of certain in the line of the army, and that he issue cere.

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certificates accordingly. That he also iffue certificate to Charles Markley, lately a cap. tain in Armand's corps, for the commutation of his half pay. That he also settle the account of James Derry, and Benjamin Hardison, who were made prisoners in Canada, in May, one thousand seven hundred and seventy-six, and forcibly detained in captivity among the la dians, and that he issue certificates for the balance of their pay respectively, to the third of November, one thousand seven hundred and eighty-three.

The pennons to be paid accormade or that hereafter may be made.

Sec. 5. And be it further enacted, That the feveral pensions mentioned in this act, due or ding to laws to become due from the fifth of March, one thousand seven hundred and eighty-nine, shall be paid according to fuch laws as have been made, or shall be made relative to invalid perfioners: And that the arrears of the faid penfions, due before the faid fifth day of March, one thousand seven hundred and eighty-nine shall be paid in such manner as Congress may hereafter provide for paying the arrears of penfions.

Allowance to S. Harding.

Sec. 6. And be it further enacted, That there shall be allowed to Seth Harding, for three months and ten days fervices on board the Al liance frigate, during the late war, at the rate of fixty dollars per month, being the pay of captain, to be paid out of the monies arifing from imposts and tonnage.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate. APPROVED, August the eleventh, 1790: GEORGE WASHINGTON, President of the United States.

# CHAPTER XLV.

An Act for the Relief of the Persons therein mentioned or described.

E it enacted by the Senate and Sec. I. House of Representatives of the United States of America in Congress assembled, That the register of the treasury shall, and is Register of ereby required to grant unto Sarah, the wi- ry to grant low of the late major-general Earl of Stirling, accrificate the died in the fervice of the United States, ling; certificate to entitle her to a fum equal to an muity for feven years half pay of a majoreneral, to commence as from the fourteenth ay of January, one thousand seven hundred nd eighty-three, in conformity to the act of he late Congress, passed on the twenty-fourth ay of August, one thousand seven hundred nd eighty; the amount for which the faid entificate is to be granted, to be afcertained by te Secretary of the Treasury, and on similar finciples as other debts of the United States reliquidated and certified. 19951996 hist and

Sec. 2. And be it further enacted, That the Register of the aurens, the orphan daughter of the late lieuacertificate the Almant-colonel John Laurens, who was killed to Frances
the rate hilft in the fervice of the United States, a
vay of a entificate to entitle her to a fum equal to an
arifing muity for feven years half pay of a lieuteant-colonel, to commence as from the twenfifth day of August, one thousand seven undred and eighty-two, according to the act the late Congress of the twenty-fourth day August, one thousand seven hundred and ghty; the amount for which the faid certiate is to be granted, to be ascertained by the cretary of the Treasury in manner aforefaid.

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And whereas no provision hath heretofor been made for discharging the arrears of penfions due to officers, non-commissioned officer. and foldiers, who were wounded and difabled whilst in the service of the United States Therefore,

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Sec. 3. Be it further enacted, That each of · rentioners. the officers, non-commissioned officers and foldiers, who were so wounded and disabled and who are now placed on the books in the office of the fecretary for the department of war, as a pensioner, or to be so placed in conformity to any law of this Congress, shall receive from the register of the treasury, who is hereby required to grant the same, a certificate, to be liquidated and fettled in fuch man ner as the Secretary of the Treasury shall de rect, for a fum equal to the pension annual due to him, to commence from the time became entitled thereto, or from the time which the same had been paid, as the case me be, which shall be ascertained and certified the faid Secretary for the department of wa and which annuity shall be liquidated to the fourth day of March, one thousand seve hundred and eighty-nine, from which day United States have assumed the payment the penfions certified by the feveral state And in case of the death of any person lo titled, the certificate shall pass to his heirs legal representative or representatives.

Register of ry to grant & orphans of officers

Sec. 4. And be it further enacted, That t the treasu- widow or orphan of each officer, non-con missioned officer or soldier who was killed to widows died whilst in the service of the United State and who is now placed on the books in the & foldiers. office of the faid Secretary, as entitled to pension, by virtue of any act of the faid is

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Congress, or any law of this Congress, and for whom provision has not been made by any tate, and to whom any arrears of fuch penfion re due, and which have arisen prior to the aid fourth day of March, one thousand seven nundred and eighty-nine, shall receive a cerificate therefor in like manner, and on the ame principles, as certificates are by this act directed to be given to officers, non-commifioned officers and foldiers, who were wounded or disabled as aforesaid.

FREDERICK AUGUSTUS-MUHLENBERG, Speaker of the House of Representatives.

10HN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the eleventh, 1790: GEORGE WASHINGTON, President of the United States.

#### CHAPTER XLVI.

An Act making certain Appropriations therein mentioned.

DE it enacted by the Senate and House of Representatives of the United States of Ameria in Congress assembled, That there be appropriated to the purposes herein after mentioned, to be paid out of the monies arising from the duties on goods, wares and merchandize imported, and on the tonnage of ships or vessels, the following fums; to wit: The fum of thir- Sum granty-eight thousand eight hundred and ninety- Skinner, & two dollars and feventy-five cents, towards discharging certain debts contracted by Abra-

Vol. I. L 2 T. Picker-

and for purpofes estimated in a report of the secretary of the treasury.

ham Skinner, late commissary of prisoners, a account of the fubfiftence of the officers of the late army while in captivity: The fund forty thousand dollars, towards discharging certain debts contracted by colonel Timothy Pick. ering, late quartermaster-general, and which fum was included in the amount of a warrant drawn in his favor by the late fuperintendant of the finances of the United States, and which warrant was not discharged: The sum of one hundred and four thousand three hundred and twenty-feven dollars and twenty-two cents, for the feveral purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the security of navigation of the like nature with those mention. ed in the act, intituled, " An act for the de tablishment and support of light-houses, becons, buoys and public piers," but not particularly specified therein: The sum of one hundred and eighty-one dollars and forty-two cents, for reimburfing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the fun heretofore appropriated on account of the fail George Morgan White Eyes: The fum of fix hundred and thirty-two dollars and eighty cents, for the fervices and expenses of liaze Guion, employed by direction of the President of the United States, in relation to the refolution of Congress of the twenty-fixth of August last: The sum of forty-one dollars and forty-feven cents, for reimburfing the treafurer of the United States the costs by him paid on a protested bill: The fum of two hundred and fifty dollars, for the falary of an interpreter of

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he French language, employed in the departnent of state: The sum of three hundred and wenty-fix dollars and fix cents, for fundry ex- Sum grants enditures by Richard Phillips, on account of ed for purhe houshold of the late Prefident of Congress, mated in a nd for certain unfatisfied claims against the report of the secretary me: The fum of feven hundred and fifty ry of the ollars, towards compensating the late loan- treasury. ficer of Pennsylvania, for his fervices in relaon to the re-exchange of certificates granted whe state of Pennsylvania, in lieu of certifiates of the United States; which feveral fums included in the faid fum of one hundred nd four thousand three hundred and twentyven dollars and twenty-two cents, are herepenfes of vauthorized and granted: And the farther of navior of fifty thousand dollars, towards difor the electron of otherwise provided for, as shall have been seen that the certained and admitted in arging fuch demands on the United States, certained and admitted in due course of setement at the treasury and which are of a nareaccording to the usage thereof, to require yment in specie.

REDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

PPROVED, August the twelfth, 1790: GEORGE WASHINGTON, President of the United States.

# CHAPTER XLVII.

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An Act making Provision for the Reduction the Public Debt.

Recital.

T being desirable by all just and proper means, to effect a reduction of the amount means, to effect a reduction of the amount of the public debt, and as the application fuch furplus of the revenue as may remain a ter fatisfying the purposes for which appropr ations shall have been made by law, will a only contribute to that defirable end, but w be beneficial to the creditors of the Unite States, by raifing the price of their stock, an be productive of confiderable faving to the United States.

The furplus of the product of duties on goods and tonnage to Dec. next, to be applied to the the public debt.

Section 1. BE it enacted by the Senate a House of Representatives of the United States America in Congress affembled, That all su furplus of the product of the duties on good wares and merchandize imported, and on t tonnage of thips or veffels to the last day purchase of December next, inclusively, as shall rema after fatisfying the feveral purpofes for who appropriations shall have been made by law the end of the present session, shall be apple to the purchase of the debt of the Unite States, at its market price, if not exceeding the par or true value thereof.

By whose direction purchafes are to be made; and

Sec. 2. And be it further enacted, That t purchases to be made of the faid debt, shall made under the direction of the President the Senate, the Chief Justice, the Secretary State, the Secretary of the Treasury, and the Attorney-General for the time being; 2 who, or any three of whom, with the appr bation of the President of the United State shall cause the faid purchases to be made

uch manner, and under fuch regulations as hall appear to them best calculated to fulfil the ntent of this act: Provided, That the same e made openly, and with due regard to the in what qual benefit of the feveral states: And pro- manner. sided further, That to avoid all risk or failure, or delay in the payment of interest stipulated to be paid for and during the year one thouand feven hundred and ninety-one, by the act, inituled, "An act making provision for the will a debt of the United States," fuch refervations hall be made of the faid furplus as may be neceffary to make good the faid payments, as they hall respectively become due, in case of deficig to the ency in the amount of the receipts into the treasury during the faid year, on account of the duties on goods, wares and merchandize imported, and the tonnage of ships or vessels, after the last day of December next.

> Sec. 3. And be it further enacted, That ac- The accounts of the application of the faid monies count of hall be rendered for fettlement as other pub- to be fettled he accounts, accompanied with returns of the as other amount of the faid debt purchased therewith, counts. at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid: and that a full and exact report of the proceedings of the faid five per- Report of proceedlons, or any three of them, including a state-ings to be ment of the difburfements and purchases made laid before Congress. under their direction, specifying the times thereof, the prices at which, and the parties from whom the fame may be made, shall be had before Congress, within the first fourteen days of each fession which may ensue the prefent, during the execution of their faid truft.

Sec. 4. And be it further enacted, That the Prefident of the United States be, and he is

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to borrow 2 millions of dollars,

hereby authorized to cause to be borrowed authorized on behalf of the United States, a fum or fum not exceeding in the whole two millions a dollars, at an interest not exceeding five pe cent. and that the fum or fums fo borrowed be also applied to the purchase of the said deb of the United States, under the like direction. in the like manner, and subject to the like to be appli- regulations and reftrictions with the furplus purchase of aforesaid: Provided, That out of the interest arifing on the debt to be purchased in manner aforefaid, there shall be appropriated and applied a fum not exceeding the rate of eight per centum per annum on account both of

ed to the the debt.

ed.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives.

principal and interest towards the re-payment of the two millions of dollars fo to be borrow-

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, August the twelfth, 1790: GEORGE WASHINGTON, President of the United States. RESOLVED by the Senate and House of Representatives of the United States of America in Congress sembled, That all treaties made, or which shall be made and promulged under the authority of the United states, shall, from time to time, be published and anexed to their code of laws, by the Secretary of State.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

OHN ADAMS Vice President of the United States

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

PPROVED, June the fourteenth, 1790:

GEORGE WASHINGTON, President of the United States.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress sembled, That all surveys of lands in the Western Tertory, made under the direction of the late geographer, shomas Hutchins, agreeable to contracts for part of the said lands made with the late board of treasury, be examed to, and perfected by the Secretary of the Treasury, so as to compleat the said contracts: and that the sid Secretary be, and is hereby authorized to direct the making and compleating any other surveys that remain to be made, so as to comply on the part of the shited States with the several contracts aforesaid, in onformity to the terms thereof.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

PPROVED, August the twelfth, 1790:

GEORGE WASHINGTON,

President of the United States.

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ESOLVED by we sends and Hank of Remeles .. week of the United States of America in Congress Than all treaties made, on which thall be made somethed ander the authority of the United so half, train tiend to withe, be out littled and as-Sundhair edde of laws, by the Sacreton Stary. CUSTUS MUDILARBERG. Sepaka of the Hayan Bear Parison of AD a Mis of its Directions of the similar same. the second of and Angle or of the Second move and the former to the second to the second of the sec ROTOROF WYSHILL TON.

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INDUCTION AUGUSTUS MUNITENBERG. AMS, Fill-Prof. of spill think to her. Minorary August the Iredich, 1700

MOFOWILL WASHINGTON ... Profiden of the United States.

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THIRD SESSION

# FIRST CONGRESS

United States of America, BEGUN AND HELD AT THE CITY OF PHILADELPHIA, On Monday the fixth of December, IN THE YEAR M, DCC, XC:

AND OF THE

Independence of the United States THE FIFTEENTH.

Vol. I. M 2

and be in force for the only

THIED SESSION FIRST.CONGR United States of America, MENT AND HELD AT THE CITY OF PHILADAL PHILA On Monday the Yells of December, . DECEMBER 11 A M. DOC. EC. TET THORNA Independence of the United States THE FILTEENTH

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### CHAPTER I.

An Act supplementary to the Act, intitled, " An Act making further Provision for the Payment of the Debts of the United States."

THEREAS no express provision has Recital. been made for extending the act, initled, " An act to provide more effectually or the collection of the duties imposed by aw on goods, wares and merchandize impored into the United States, and on the tonage of ships or veffels," to the collection of he duties imposed by the faid " Act making urther provision for the payment of the debts of the United States," doubts concerning the ame may arise: Therefore, Be it enacted by Previsions be Senate and House of Representatives of the of the act Inited States of America in Congress assembled, for collechat the act, intitled, " An act to provide ties, exnore effectually for the collection of the du- tended to ies imposed by law on goods, wares and mer- king furhandize imported into the United States, and ther provin the tonnage of ships or vessels," doth and payment of all extend to, and be in force for the col-the United thion of the duties specified and laid in and states.

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by the act, intitled, " An act making further provision for the payment of the debts of the United States," as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained, had been inferted in and re-enacted by the act last aforefaid.

FREDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, December twenty-feventh, 1790: GEORGE WASHINGTON, Prefident of the United States.

#### CHAPTER II.

An Act to provide for the Unlading of Ships or Vessels, in Cases of Obstruction by Ice.

Recital.

THEREAS it fometimes happens, that ships or vessels are obstructed by ice in their passage to the ports of their destination, and it is necessary that provision should be made for unlading fuch fhips or veffels:

In cafes of \*bitruction by ice, collector may receive entry at any within his district.

laid in and stock

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a ship or vessel shall be prevented by ice other place from getting to the port at which her cargo is intended to be delivered, it shall be lawful for the collector of the diffrict, in which fuch thip or vessel may be so obstructed, to receive the

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port and entry of any fuch thip or veffel, and ith the confent of the naval-officer (where here is one) to grant a permit or permits for alading or landing the goods, wares or merhandize imported in fuch ship or vessel at any lace within his diffrict, which shall appear to in to be most convenient and proper.

Sec. 2. And be it further enacted, That the Under the eport and entry of fuch ship or vessel, and of usual reguer cargo, or any part thereof, and all persons othercases. oncerned therein, shall be under and subject the fame rules, regulations, restrictions, pealties and provisions, as if the faid ship or vefhad arrived at the port of her destination, nd had there proceeded to the delivery of her argo.

FREDERICK AUGUSTUS MUHLENBERG. Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

PPROVED, January the seventh, 1791: GEORGE WASHINGTON, President of the United States.

#### CHAPTER III.

Act to continue an Act, intituled, " An Act declaring the Affent of Congress to certain Acts of the States of Maryland, Georgia, and Rhodefland and Providence Plantations," fo far as the same respects the States of Georgia, and Rhade-Island and Providence Plantations.

(EXPIRED.)

#### CHAPTER IV.

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An Act declaring the Confent of Congress, that new State be formed within the Jurisdian of the Commonwealth of Virginia, and admi ted into this Union, by the Name of the Sta of Kentucky.

Rocital.

THEREAS the Legislature of the Con monwealth of Virginia, by an acto titled, "An act concerning the erection of the district of Kentucky into an independent state. passed the eighteenth day of December, or thousand seven hundred and eighty-nine, have consented, that the district of Kentucky, with in the jurisdiction of the said Commonwealth and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new state: And whereas a convention of delegates, chosen by the people of the faid district of Kentucky, have petitioned Congress to consent, that, on the first day of June, one thousand feven hundred and ninetytwo, the faid district should be formed into new state, and received into the Union, by the name of "the State of Kentucky:"

Consent of new flate.

Section 1. Be it enacted by the Senate and House of Representatives of the United States of Virginia America in Congress assembled, and it is bered within cer-enacted and declared, That the Congress dots daries, shall consent, that the said district of Kentucky, become a within the jurisdiction of the Commonwealth of Virginia, and according to its actual boundaries, on the eighteenth day of December, one thousand seven hundred and eighty-nine, shall, upon the first day of June, one thousand feven hundred and ninety-two, be formed in , that

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a new state, separate from, and independant the faid Commonwealth of Virginia.

Sec. 2. And be it further enacted and declar- When and That upon the aforefaid first day of June, by what e thousand seven hundred and ninety-two, mitted into e faid new state, by the name and stile of the union. State of Kentucky, shall be received and mitted into this Union, as a new and entire ember of the United States of America.

Pentions to

ned what

EDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

HN ADAMS, Vice-President of the United States, and President of the Senate.

PROVED, February the fourth, 1791:

GEORGE WASHINGTON, President of the United States.

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#### CHAPTER

Act declaring the Confent of Congress to a certain Act of the State of Maryland. (EXPIRED.)

#### CHAPTER VI.

Ast making Appropriations for the Support f Government during the Year one thousand feven hundred and ninety-one, and for other Purposes.

E it enacted by the Senate and House of Representatives of the United States of Amein Congress affembled, That there be appriated the feveral fums, and for the feve-

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ral purpoles following, to wit: A fum note ceeding two hundred and ninety-nine thous two hundred and feventy-fix dollars and fife three cents, for defraying the expenses of civil lift, as estimated by the Secretary of the other batters Treafury, in the statement, number one. . mien - dis companying his report to the House of Report fentatives of the fixth instant, including t contingencies of the feveral executive officer and of the two Houses of Congress, which a hereby authorized and granted: a fum note ceeding fifty thousand seven hundred and if ty-fix dollars and fifty-three cents, for faish ing the feveral objects specified in the flan ment, number two, accompanying the repo aforefaid, all fuch whereof, as may not he been heretofore provided for by law, bei hereby authorized; and a fum not exceeding three hundred and ninety thousand one hun dredandninety-nine dollars and fifty-four cents for the use of the department of war, pursua to the statement, number three, accompanying the report aforefaid, including therein the fun of one hundred thousand dollars, for defray ing the expenses of an expedition lately car ried on against certain Indian tribes; and the fum of eighty-feven thousand four hundre and fixty-three dollars and fixty cents, being the amount of one year's penfions to invalida together with the contingencies of the faid de out of what partment, which are hereby authorized: Which funds pay- feveral fums shall be paid out of the funds for lowing, namely, The fum of fix hundred thou fand dollars, which, by the act, intituled, "A

act making provision for the debt of the Un ted States," is referved yearly for the support

of the government of the United States, and their common defence; the amount of fur

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furpluses as may remain in the treasury, after Outofwhat fatisfying the purposes for which appropriations funds paywere made, by the acts respectively, intituled, "An act making appropriations for the fervice of the present year," passed the twentyninth day of September, one thousand seven hundred and eighty-nine; "An act making appropriations for the support of government for the year one thousand seven hundred and ninety," passed the twenty-fixth day of March, one thousand seven hundred and ninety; "An aft making certain appropriations therein mennoned," passed the twelfth day of August, one thousand seven hundred and ninety, and the product, during the present year, of such duties as shall be laid in the present session of Congress:

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, February the 11th, 1791

GEORGE WASHINGTON. President of the United States.

CHAPTER

In Act for the Admission of the State of Vermont into this Union.

THE State of Vermont having petitioned the Congress to be admitted a member the United States, Be it enacted by the Seate and House of Representatives of the United VốL. I.

74 Engel State of Vermont to be admitted into March, 1791.

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States of America in Congress assembled, and it bereby enacted and declared, That on the found day of March, one thousand seven hundred and ninety-one, the faid state, by the name an union, 4th ftile of "the State of Vermont," shall bere ceived and admitted into this Union, as a new and entire member of the United States of America.

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FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the Unit States, and President of the Senate. APPROVED, February the 18th, 1791: GEORGE WASHINGTON. President of the United States.

#### CHAPTER VIII.

An Act to continue in Force, for a limited Time an Act passed at the first Session of Congres intituled, " An act to regulate Processes inth Courts of the United States."

(EXPIRED.)

#### CHAPTER

An Act regulating the Number of Represent tives to be chosen by the States of Kents and Vermont.

al enumeration of

DE it enacted by the Senate and House of ! presentatives of the United States of A inhabitants rica in Congress affembled, That until the R litt

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presentatives in Congress shall be apportioned states of according to an actual enumeration of the in- and Ver. habitants of the United States, the states of mont, Kentucky and Vermont shall each be entitled to a representao choose two Representatives.

### FREDERICK AUGUSTUS MUHLENBERG.

Speaker of the House of Representatives. OHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, February the 25th, 1791:

GEORGE WASHINGTON,

President of the United States.

#### CHAPTER X.

In Act to incorporate the Subscribers to the Bank of the United States.

THEREAS it is conceived that the ef- Preamble. tablishment of a bank for the United ates, upon a foundation fusiciently extensive answer the purposes intended thereby, and the same time upon the principles which afidadequate fecurity for an upright and pruat administration thereof, will be very contive to the fuccessful conducting of the nahal finances; will tend to give facility to obtaining of loans, for the use of the gomment, in sudden emergencies; and will productive of confiderable advantages to de and industry in general: Therefore,

Enablishment of a bank of the U. States, & amount & divition of its flock, and time of fubicribing.

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Sec. 1. BE it enacted by the Senate and House of Representatives of the United States of Ame. rica in Congress affembled, That a bank of the United States shall be established; the capin stock whereof shall not exceed ten million of dollars, divided into twenty-five thousand fhares, each share being four hundred dollars and that fubfcriptions; towards constituting th faid stock, shall, on the first Monday of Apr next, be opened at the city of Philadelphia under the superintendance of such persons, no less than three, as shall be appointed for the purpose by the President of the United State (who is hereby empowered to appoint the fa persons accordingly) which subscriptions she continue open, until the whole of the faid flod shall have been subscribed.

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Proportions of gold and the public debt to be fubscribed, and

Sec. 2. And be it further enacted, That shall be lawful for any person, co-partnership or body politic, to subscribe for such or so m ny shares, as he, she, or they shall think s not exceeding one thousand, except as shall hereafter directed relatively to the Unite States; and that the fums, respectively ful feribed, except on behalf of the United State thatt be payable one fourth in gold and file and three fourths in that part of the pub debt, which, according to the loan propole in the fourth and fifteenth fections of the entitled, " An act making provision for t debt of the United States," shall bear an cruing interest, at the time of payment, of per centum per annum, and shall also be pa able in four equal parts, in the aforefaid a of specie to debt, at the distance of fix cale when to be dar months from each other; the first when of shall be paid at the time of subscription.

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Sec. 3. And be it further enacted, That all Subscribers ofe, who shall become subscribers to the faid to be a bomk, their fucceffors and affigns, shall be, and dy politice hereby created and made a corporation d body politic, by the name and stile of The By what refident, Directors and Company of the Bank how long to the United States; and shall so continue, un- continue, the fourth day of March, one thousand eight endred and eleven: And by that name, shall e, and are hereby made able and capable in w, to have, purchase, receive, possess, enjoy, nd retain to them and their fuccessors, lands, nts, tenements, hereditaments, goods, chats and effects of what kind, nature or qualifoever, to an amount, not exceeding in the hole fifteen millions of dollars, including the mount of the capital stock aforesaid; and the of stock; me to fell, grant, demise, aliene or dispose f; to fue and be fued, plead and be impleadd, answer and be answered, defend and be fended, in courts of record, or any other ace whatfoever: And also to make, have, duse a common seal, and the same to break, To have a ter and renew, at their pleasure; and also scal, ordain, establish, and put in execution, such re-laws, ordinances and regulations, as shall blish byeem necessary and convenient for the govern- laws. ent of the faid corporation, not being conary to law, or to the constitution thereof (for hich purpose, general meetings of the stockolders shall and may be called by the direcors, and in the manner hereinafter specified) ad generally to do and execute all and finguacts, matters and things, which to them it all or may appertain to do; subject neverdeless to the rules, regulations, reftrictions, mitations and provisions hereinafter prescrib-

Powers.

Number, and time of electing directors.

Sec. 4. And be it further enacted, That, in the well ordering of the affairs of the faid con poration, there shall be twenty-five director. of whom there shall be an election on the first Monday of January in each year, by the flock holders or proprietors of the capital flock the faid corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election, shall be capable of ferving as directors, by virtue of fuch choice until the end or expiration of the Monday of January next enfuing the time of fuch election, and no longer. And the faid directon at their first meeting after each election, shall choose one of their number as President.

And of a Prefident.

Provife-

When 400,000 dollars in gold or filver fhall be fubscribed, notice be given, &c.

tors fhall fervice.

Sec. 5. Provided always, and be it further enacted, That, as foon as the fum of four hu dred thousand dollars, in gold and filver, sal have been actually received on account of the fubscriptions to the faid stock, notice there shall be given, by the persons under whose su perintendance the same shall have been made in at least two public gazettes printed in the city of Philadelphia; and the faid persons shall, at the same time in like manner, notify a tim and place within the faid city, at the distance of ninety days from the time of fuch notification, for proceeding to the election of direc-How directors; and it shall be lawful for such election to be then and there made; and the persons be chosen, who shall then and there be chosen, shall be the first directors, and shall be capable of sening, by virtue of fuch choice, until the end of expiration of the Monday in January next co fuing the time of making the fame, and he forthwith thereafter commence the operation of the faid bank, at the faid city of Philade phia. And provided further, That, in case

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hould at any time happen, that an election of firectors should not be made upon any day when purfuant to this act it ought to have een made, the faid corporation shall not for hat cause, be deemed to be dissolved; but it hall be lawful, on any other day, to hold and make an election of directors in such manner s hall have been regulated by the laws and rdinances of the faid corporation. And proided laftly, That, in case of the death, refig- Vacancies ation, absence from the United States, or re- filed up. noval of a director by the stockholders, his lace may be filled up, by a new choice, for he remainder of the year.

Sec. 6. And be it further enacted, That the Directors irectors for the time being shall have power to appoint appoint such officers, clerks, and servants officers, &c. nder them, as shall be necessary for execuing the business of the said corporation, and allow them fuch compensation, for their evices respectively, as shall be reasonable; nd thall be capable of exercifing fuch other owers and authorities, for the well governing nd ordering of the affairs of the faid corporaon, as shall be described, fixed, and determed by the faws, regulations, and ordinanes of the fame.

Sec. 7. And be it further enacted, That the ollowing rules, restrictions, limitations and Articles of tovisions, shall form and be fundamental ar- tion. cles of the constitution of the faid corporaon, viz.

I. The number of votes to which each flock- stockhololder shall be entitled, shall be according to ders how to e number of shares he shall hold, in the pro- what proortions following: That is to fay, for one portion to fum fubare, and not more than two shares, one vote: feribed, &

For every two fhares above two, and note ceeding ten, one vote: For every four the above ten, and not exceeding thirty, one vo For every fix shares above thirty, and exceeding fixty, one vote: For every cie fhares above fixty, and not exceeding one dred, one vote: And for every ten thares abo one hundred, one vote: But no person, partnership, or body politic shall be entit to a greater number than thirty votes. A after the first election, no share or shares the confer a right of fuffrage, which shall not he been holden three calendar months previo to the day of election. Stockholders actual resident within the United States, and no other, may vote in elections by proxy.

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in certain cafes, may vote by proxy.

Number of directors eligible for enfuing year, and

who are directors.

tion to be allowed.

Compensa-

How to constitute a board.

II. Not more than three fourths of the rectors in office, exclusive of the prefide shall be eligible for the next succeeding year But the director, who shall be president at time of an election, may always be re-elected

III. None but a stockholder, being ad zen of the United States, shall be eligibles director.

IV. No director shall be entitled to any en lument, unless the same shall have been allo ed by the stockholders at a general meet The stockholders shall make such compen tion to the prefident, for his extraordinary tendance at the bank, as shall appear to the reasonable.

V. Not less than feven directors shall of stitute a board for the transaction of busine of whom the prefident shall atways be one, cept in case of sickness, or necessary absence in which case his place may be supplied by other director, whom he, by writing un his hand, shall nominate for the purpose.

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VI. A number of Rockholders, not less Number of han fixty, who, together shall be proprietors sockhold. f two hundred thares or upwards, shall have ered to call ower at any time to call a general meeting a meeting. f the stockholders, for purpoles relative to he institution, giving at least ten weeks notice, atwo public gazettes of the place where the bank is kept, and fpecifying, in fuch notice, he object or objects of fuch meeting.

VII. Every cashier or treasurer, before he Cashierini miers upon the duties of his office, fhall be give bond. equired to give bond, with two or more fures, to the fatisfaction of the directors, in a um not less than fifty thousand dollars, with endition for his good behaviour.

VIII. The lands, tenements and heredita- Limitation of properents which it shall be lawful for the faid cor-ty; oration to hold, fhall be only fuch as shall be remilite for its immediate accommodation in retion to the convenient transacting of its busies, and fuch as shall have been bona fide mortaged to it by way of fecurity, or conveyed it in fatisfaction of debts previously contracdin the course of its dealings, or purchased tales upon judgments which shall have been btained for luch debts.

IX. The total amount of the debts, which and of debts e faid corporation shall at any time owe, whe-they shall at her by bond, bill, note, or other contract, owe. all not exceed the fum of ten millions of ollars, over and above the monies then actuy deposited in the bank for safe keeping, ales the contracting of any greater debt in case of the United States In The Line of the United States at 1 the United States. In case of excels, the countable rectors, under whose administration it shall in private appen, shall be liable for the fame, in their and VOL. I. 0 2

natural and private capacities; and en ac

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To follow 11

of debt, may in fuch case, be brought again them, or any of them, their or any of the heirs, executors or administrators, in any co of record of the United States, or of either them, by any creditor or creditors of the fa corporation, and may be profecuted to ind ment and execution; any condition, coverage or agreement to the contrary notwithstandin But this shall not be construed to exempt to faid corporation, or the lands, tenemen goods or chattels of the same, from being a liable for and chargeable with the faid exce Such of the faid directors, who may have be absent when the faid excess was contracted created, or who may have differted from t resolution or act whereby the same was so co tracted or created, may respectively exo rate themselves from being so liable, by for with giving notice of the fact, and of their fence or diffent, to the Prefident of the Uni States, and to the stockholders, at a gene

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Exception in favor of absentecs at time of excels.

Corporation may fell public debt in flock, but not pur-chafe, &c.

and take not more than fix per cent. per annum.

X. The faid corporation may fell any p of the public debt whereof its stock shall composed, but shall not be at liberty to po chase any public debt whatsoever; nor h directly or indirectly deal or trade in any thin except bills of exchange, gold or filver bullio or in the fale of goods really and truly pled ed for money lent and not redeemed in d time; or of goods which shall be the produ of its lands. Neither shall the faid corporate take more than at the rate of fix per cents per annum, for or upon its loans or discount

meeting, which they shall have power to a

for that purpose.

XI. No loan shall be made by the faid of

oration, for the use or on account of the go. How & for enment of the United States, to an amount what obacceding one hundred thousand dollars, or make loans. fany particular state, to an amount exceeding fry thousand dollars, or of any foreign prince flate, unless previously authorized by a law the United States it was a Mail Walker

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XII. The Rock of the faid corporation hall And bills, affignable and transferable, according to &c. final ch rules as shall be instituted in that behalf, the laws and ordinances of the fame.

Illi. The bills obligatory and of credit, der the feal of the faid corporation, which all be made to any person or persons, shall affignable by inderfement thereupon, un- be affignathe hand or hands of fuch person or per- ble ns, and of his, her, or their affiguee or afnees, and so as absolutely to transfer and the property thereof in each and every afnee or affiguees fuccessively, and to enable ch affignee or affignees to bring and mainn an action thereupon in his, her, or their mame or names, And bills or notes, which obligatory. ay be issued by order of the said corporation, med by the prefident, and counterfigued by e principal cashier or treasurer thereof, proiling the payment of money to any person or flons, his, her, or their order, or to bearer, ough not under the feal of the faid corporaon, shall be binding and obligatory upon the me, in the like manner, and with the like ace and effect, as upon any private person or mons, if iffued by him or them, in his, her, their private or natural capacity or capacia; and shall be assignable and negotiable, in emanner, as if they were so issued by such tivate person or persons; that is to say, those hich shall be payable to any person or per-

Offices in be cha beiffied U midtine States, for diffeount c deposit on-

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fons, his, her, or their order, shall be affect ble by indorfement, in like manner, and wi sat who the like effect, as foreign bills of exchangen are; and those which are payable to bear shall be negotiable and affignable by delive only. un elementarion for an

Dividends of profits

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XIV. Half yearly dividends fhall be ma of fo much of the profits of the bank, as for appear to the directors adviseable; and in every three years, the directors shall lav fore the flockholders, at ageneral meet for their information, an exact and parting statement of the debts, which shall have rem ed annaid after the expiration of the original credit, for a period of treble the term of the credit; and of the furplus of profit, if any, ter deducting loffes and dividends. If the firall be a failure in the payment of any of any fun, subscribed by any person, coips perhip or body politic, the party failing lofe the benefit of any dividend, which i have accrued, prior to the time for make fuch payment, and during the delay of mbe made by order of the fact carperadural

Offices may be eftablifhed within U. States, for discount & deposit only; &c.

boligatory.

XV It hall be lawful for the direct aforefaid, to establish offices wherefoever the fhall think fit, within the United States, I the purposes of discount and deposit on and poon the same terms, and in the lan manner, as shall be practifed at the bank and to commit the management of the la offices, and the making of the faid discount to fuch persons, under fuch agreements, a fubject to fuch regulations as they shall deen proper ; not being contrary to law, or to the conflictution of the bank.

XVI. The officer at the head of the treals

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department of the United States, shall be officer at the head of mithed, from time to time, as often as he the treatemy require not exceeding once a week ry, to be ith statements of the amount of the capital with stateock of the faid corporation, and of the debts ments. ne to the fame; of the monies deposited there-; of the notes in circulation, and of the cash hand; and shall have a right to inspect such meral accounts in the books of the bank, as all relate to the faid statements: Provided hat this shall not be construed to imply a Not of prith of inspecting the account of any private vatenature. dividual or individuals with the bank.

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Sec. 8. And be it further enacted, That if Penalty for e faid corporation, or any person or persons for to the use of the same, shall deal or goods, &c. ade in buying or felling any goods, wares, erchandize, or commodities whatloever, conary to the provisions of this act, all and eveperson and persons, by whom any order or eftion for fo dealing or trading shall have m given, and all and every person and perby United who shall have been concerned as parties ..... agents therein, shall forfeit and lose treble value of the goods, wares, merchandizes, commodities, in which fuch dealing and de shall have been; one half thereof to the of the informer, and the other half there to the use of the United States, to be recored with costs of fuit.

Sec. of And be it further enacted, That if How mofaid corporation shall advance or lend any ney may be advanced for the ufe or on account of the govern- or lease at of the United States, to an amount exeding one hundred thousand dollars; or of particular state to an amount exceeding thousand dollars; or of any foreign prince late, (unless previously authorized thereto

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by a law of the United States) all and eve person and persons, by and with whose ord agreement, confent, approbation, or convance, fuch unlawful advance or loan, have been made, upon conviction there shall forfeit and pay, for every fuch offend treble the value or amount of the fum or fu which shall have been so unlawfully advanor lent; one fifth thereof to the use of the former, and the relidue thereof to the ule the United States; to be disposed of by and not otherwife.

Bills or notes made receivable by United States.

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Sec. 10. And be it further enacted, The the bills or notes of the faid corporation or ginally made payable, or which shall have b come payable on demand, in gold and file coin, shall be receivable in all payments to t United States. d to enoningermodicate

Subscriptions made by United States, how to be paid,

Sec. 11. And be it further enacted, The it shall be lawful for the president of the li ted States, at any time or times, within ea teen months after the first day of April ne to cause a subscription to be made to the floor of the faid corporation, as part of the afores capital flock of ten millions of dollars, on half of the United States, to an amount exceeding two millions of dollars; to be p out of the monies which shall be borrowed virtue of either of the acts, the one entitle "An act making provision for the debt of United States;" and the other entitled, " act making provision for the reduction of public debt;" borrowing of the bank an eq fum, to be applied to the purposes, for which the faid monies shall have been procured; imbursable in ten years, by equal annual stallments; or at any time sooner, or in

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reater proportions, that the government may hink fit.

Sec. 12. And be it further enacted, That No other o other bank shall be established by any fur citablished. ure law of the United States, during the coninuance of the corporation hereby created; or which the faith of the United States is ereby pledged.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

OHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, February the 25th, 1791: GEORGE WASHINGTON, President of the United States.

## CHAPTER XI.

In Act supplementory to the Act, intituled, " An Act to incorporate the Subscribers to the Bank of the United States.

D E it enacted by the Senate and House of Representatives of the mited States of America in Congress assembled, hat the subscriptions to the stock of the bank Subscriptions to the United States, as provided by the act, bank flock tituled, " An act to incorporate the subscriers to the bank of the United States," shall ot be opened until the first Monday in July ext.

Sec. 2. And be it further enacted, That lo such of the first payment as by the faid act first paydirected to be in the fix per cent. certificates ment. the United States, may be deferred until efirst Monday in January next.

Not more than thisty fhares to be fubscribed at one time.

Sec. 3. And be it further enacted, That person, corporation, or body politic, except i behalf of the United States, shall, for the space of three months after the faid first Monday July next, subscribe in any one day for more than thirty shares.

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Specie proportion, paid, and failure in ments to forfeit fum first paid.

Sec. 4. And be it further enacted, That ero when to be ry subscriber shall, at the time of subscribing pay into the hands of the persons who shall be future pay- appointed to receive the fame, the specie pro portion required by the faid act to be then paid And if any fuch subscriber shall fail to make any of the future payments, he shall forfe the fum fo by him first paid, for the use of the corporation.

In what manner per cent. tothe bank.

Sec. 5. And be it further enacted, That fur part of the public debt, including the assume public debt debt, as is funded at an interest of three pe funded at 3 cent. may be paid to the bank, in like man may be paid ner with the debt funded at fix per cent, com puting the value of the former at one half the value of the latter, and referving to the lub fcribers who shall have paid three per cent stock, the privilege of redeeming the sam with fix per cent. Itock, at the above rate of computation, at any time before the first da of January, one thousand seven hundred an ninety-three; unless the three per cent. floc shall have been previously disposed of by the directors.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the Unite States, and President of the Senate. APPROVED, March the second, 1791: GEORGE WASHINGTON, President of the United States.

# I and CHAP TO ROUNT POPOLO

terwards, except when any of the fitt day An Act giving Effort to the Laws of the United States within the State of Vermone? Had

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States.

the faid felions of the faid circuit courts Section 1. BE it enacted by the Southerand bishered House of Representatives of the United States of America in Gongress assembled, That from and after the third day of March Laws of the ext, all the laws of the United States, which U. States renot locally inapplicable, ought to have, and Vermont; hall have, the same force and effect within the late of Vermont, as elfewhere within the Unid States, no the this squitter , smith hight on

And to the end that the act, intituled, "An a to establish the judicial courts of the United utes," may be duly administered within the id state of Vermont,

Sec. 2. Be it further enacted, That the faid Vermont to ate shall be one district, to be denominated be a district ermont-District; and there shall be a district and have a district out therein, to confist of one judge, who court and all reside within the said district, and be cala district-judge, and shall hold annually or fessions; the first to commence on the Number & Monday in May next, and the three other time of set?" hons progressively on the like Monday of hons, ery third calendar month afterwards. The and wheredistrict court shall be held alternately at held-squoo towns of Rutland and Windfor, beginning ad of noit therefor in full compendation for all the date. that add

Sec. 3. And be it further enacted. That, the Annexed to district shall be, and the same hereby is the castern circuit, and nexed to the eastern circuit. And there have a cirbe held annually in the faid diffrict, one cuit court; the fourt; the first fession shall commence the seventeenth day of June next, and the VOL. I.

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Subsequent sessions on the like day of June at terwards, except when any of the faid days shall happen on a Sunday, and then the sellion shall commence on the day following; and the faid fessions of the faid circuit courts shall be held at the town of Bennington.

where held.

Compensation to the judge.

Sec. 4. And be it further enacted, That there shall be allowed to the judge of the faid diffrid court the yearly compensation of eight husdred dollars, to commence from the time of his appointment, and to be paid quarter-yearly at the treasury of the United States.

An enumeration of the inhabitants to be made.

Sec. 5. And be it further enacted, That all the regulations, provisions, directions, authorties, penalties and other matters whatfoever, (except as herein afterwards is expressly provided) contained and expressed in and by the act, intituled, " An act providing for the enumeration of the inhabitants of the United States," shall have the same force and effect within the faid state of Vermont, as if the same were, in relation thereto, repeated and reenacted in and by this present act.

Enumeration of inhabitants, when to

Sec. 6. And be it further enacted, That the enumeration of the inhabitants of the faid flate shall commence on the first Monday of April commence. next, and shall close within five calendar month thereafter.

-bracky be Compenfamarshal e therefor.

Sec. 7. And be it further enacted, That the tion to the marshal of the district of Vermont shall receive in full compensation for all the duties and fervices confided to, and enjoined upon him and by this act in taking the enumeration aforefaid, two hundred dollars.

Duties on articles imported

And that the act, intituled, " An act ! provide more effectually for the collection the duties imposed by law on goods, wares an e af. days

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merchandize imported into the United States, within paid and on the tonnage of thips and veffels," may to be tole be carried into effect in the faid hate of Ver- leded. taken to extend total manufactures whethom

Sec. 8. Be it further enacted, That for the due collection of the faid duties, there shall be in the faid state of Vermont one district; and a collector shall be appointed, to refide at Allburgh on Lake Champlain, which thall be the only port of entry or delivery within the Port of enfaid district, of any goods, wares or merchan- try and dedize, not the growth or manufacture of the United States.

incen or cotton.

Provided nevertbeless, That the exception contained in the fixty-ninth fection of the act last above mentioned, relative to the district of Louisville, shall be and is hereby extended to the faid port of Allburgh.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

10HN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the second, 1791: GEORGE WASHINGTON. President of the United States.

### CHAPTER XIII.

In Act to explain and amend an Act, intituled, " An Act making further Provision for the Payment of the Debts of the United States."

Section 1. E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duty of one cent per pound, laid by

Duty laid, on bar lead extendedto manufactures of lead.

the act 15 making further provision for the payment of the debts of the United States on bar and other leady finall be deemed an taken to extend to all manufactures wholly lead, or in which tead is the chief article, which shall hereafter be brought into the United States, from any foreign port or place it is

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Duty laid linen or cotton.

Sec. 2. And be it further enacted. That the on chintzes duty of fever and a half per cent ad valorem, &c. extend laid by the act aforefaid on chinezes, and co nufactures loured enlicoes, shall be deemed and taken to extend to all printed, stained, and coloured goods, or manufactures of cotton, or of lines. or of both, which hereafter shall be brough into the United States from any foreign por or place.

Provided always, That nothing in this ad shall in any wife affect the true construction or meaning of the act aforefaid in relation to any of the above described atticles brought into the United States before the passing of this act. FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the fecond, 1791: GEORGE WASHINGTON. Prefident of the United States.

## CHAPTER XIV.

An Act fixing the Time for the next annual Meeting of Congress. (EXPIRED.)

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Sec. 2. VX ON JAT A POR APARCO Than the fane ma All repealing, after the last Day of June next, the Duties beretofore laid upon distilled Spirits imported from Abroad, and laying others in their Stead; and also upon Spirits distilled within the United States, and for appropriating the same 1000x0 belo

tion 1. DE it enacted by the Senate and House of Representatives of the ted States of America in Congress affembled, at after the last day of Jane next, the duhid upon distilled spirits by the act, intid, "An act making further provision for payment of the debts of the United States," cease; and that upon all distilled spirits Duties to ch shall be imported into the United States be paid on spirits imthat day, from any foreign port or place, ported; te shall be paid for their use the duties foling; that is to fay: For every gallon of e spirits more than ten per cent below of, according to Dicas's hydrometer, twenents. For every gallon of those spirits unfive, and not more than ten per cent below of, according to the fame hydrometer, twenne cents. For every gallon of those spirits roof, and not more than five per cent beproof, according to the fame hydrometer, ty-two cents. For every gallon of those ts above proof, but not exceeding twenty cent according to the same hydrometer, ty-five cents. For every gallon of those s more than twenty, and not more than per cent above proof, according to the hydrometer, thirty cents. For every galof those spirits more than forty per cent eproof, according to the fame hydromeorty cents.

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- bow to be collected;

Sec. 2. And be it further enacted, That the faid duties shall be collected in the same manner, by the same persons, under the same regulations, and subject to the same forfeitures and other penalties, as those heretofore laid; the act concerning which shall be deemed to be in sull force for the collection of the duties herein before imposed, except as to the alterations contained in this act.

and the payment thereof how to be fecured,

Sec. 3. And be it further enacted, That the faid duties, when the amount thereof shall no exceed fifty dollars, shall be immediately paid but when the faid amount shall exceed fife. and shall not amount to more than five hu dred dollars, may, at the option of the propri etor, importer or confignee, be either imm diately paid, or fecured by bond, with cond tion for the payment thereof in four months and if the amount of the faid duties shall a ceed five hundred dollars, the same may be immediately paid or fecured by bond, with co dition for the payment thereof in fix months which bond, in either case, at the like option of the proprietor, importer or confignee, in either include one or more furcties to the tisfaction of the collector, or person acting fuch, or shall be accompanied with a deposit the custody of the faid collector, or person a ting as fuch, of fo much of the faid fpirits shall in his judgment be a fufficient security to the amount of the duties for which the bond shall have been given, and the charge of the fafe keeping and fale of the spirits deposited; which deposit shall and may accepted in lieu of the faid furety or furein and shall be kept by the faid collector, or pe fon acting as fuch, with due and reasonal care at the expense and risk of the party

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arties on whose account the same shall have een made; and if at the expiration of the ime mentioned in the bond for the payment f the duties thereby intended to be feeured. he fame shall not be paid, then the faid deofited spirits shall be fold at public fale, nd the proceeds thereof, after deducting the harges of keeping and fale, shall be applied o the payment of the whole fum of the duties or which fuch deposit shall have been made, endering the overplus of the faid proceeds, nd the residue of the said spirits, if any there e, to the person or persons by whom such eposit shall have been made, or to his, her or heir representatives.

Sec. 4. In order to a due collection of the uties imposed by this act, Re it further enacted, hat the United States shall be divided into Tobe diviourteen districts, each consisting of one state, ded into ut subject to alterations by the President of consisting he United States, from time to time, by ad- cach of a ing to the smaller such portions of the greater shall in his judgment best tend to secure ad facilitate the collection of the revenue; hich districts it shall be lawful for the Presient of the United States to Subdivide into Diffricts to rveys of inspection, and the same to alter at be subdiviis discretion. That the Prefident be autho- furveys of zed to appoint, with the advice and confent inspection, the Senate, a supervisor to each district, and many inspectors to each survey therein as for to be efhall judge necessary, placing the latter un- appointed er the direction of the former. Provided al- tricks, and my, That it shall and may be lawful for the inspectors resident, with the advice and consent of the veys. enate, in his discretion to appoint, such and many officers of the customs to be inspecors in any furvey of inspection as he shall deem

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Officers of the customs and fupervisors eligible as infpectors.

advisable to employ in the execution of the act: Provided alfo, That where, in the jud ment of the Prefident, a supervisor can charge the duties of that office, and also of inspector, he may direct the same: A provided further, That if the appointment the inspectors of surveys, or any part of the shall not be made during the present session Congress, the President may, and he is here empowered to make fuch appointments duri the recess of the Senate, by granting comm fions which shall expire at the end of the next fession.

Sec. 5. And be it further enacted, That i

supervisors, inspectors and officers to be

Appointment of infpectors to be made during the recess.

Supervifors and inspectors to keep accounts & pointed by virtue of this act, and who shall records of their tranfactions;

charged to take bonds for fecuring the pa ment of the duties upon spirits distilled wit in the United States, and with the receipt monies in discharge of such duties, shall ke fair and true accounts and records of the transactions in their respective offices, in su manner and form as may be directed by the proper department or officer having the super intendance of the collection of the revenue fubmit the and shall at all times submit their books, proper offi- pers and accounts to the infpection of for persons as are or may be appointed for the Supervisors purpose, and shall at all times pay to the of der of the officer, who is or shall be author zed to direct the payment thereof, the who of the monies which they may respectively re ceive by virtue of this act, and shall also one in every three months, or oftener if they that

be required, transmit their accounts for le

tlement to the officer or officers whose duty

is, or shall be to make such fettlement.

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fame to a ccr;

and inspectors to pay all the monics they receive ; and

Settle their accounts quarterly.

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Sec. 6. And be it further enacted, That all Persons to officers and persons to be appointed pursuant be appointthis act, before they enter on the duties of this act to heir respective offices, shall take an oath or take an firmation diligently and faithfully to exetute the duties of their faid offices respectively, and to use their best endeavors to prevent and letect frauds, in relation to the duties on spiits imposed by this act, which oath or affirnation may be taken before any magiltrate uthorized to administer oaths within the disrict or furvey to which he belongs, and being ertified under the hand and feal of the maistrate by whom the same shall have been adinistered, shall within three months thereaf- and transr be transmitted to the comptroller of the mit it to the comptrolreasury, in default of taking which oath or ler; firmation, the party failing shall forfeit and ay two hundred dollars for the use of the default Inited States, to be recovered with costs of thereof. uit.

Sec. 7. And be it further enacted, That the pervisor of the revenue for each district, shall inspection tablish one or more offices within the fame, to be estabmay be necessary; and in order that the id offices may be publicly known, there shall epainted or written in large legible characis upon some conspicuous part outside and front of each house, building or place in hich any fuch office shall be kept, these ords, "OFFICE OF INSPECTION;" and any person shall paint or write, or cause to painted or written, the faid words, upon other than fuch house or building, he or hall forfeit and pay for fo doing, one huned dollars.

Sec. 8. And be it further enacted, That thin forty-eight hours after any ship or ves-VOL. I.

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Report to be made to inspectors of importation of spirits:

fel, having on board any distilled spirits brought in such ship or vessel from any foreign portor place, shall arrive within any port of the United States, whether the same be the first port of arrival of such ship or vessel, or not, the master or person having the command or charge thereof, shall report to one of the inspector of the port at which she shall so arrive, the place from which she last sailed, with her name and burthen, and the quantity and kinds of the said spirits on board of her, and the cast, vessels or cases containing them, with ther marks and numbers; on pain of forseiting the sum of sive hundred dollars.

which the

fhall certity & fend to the offieer of infpection where the fpirits shall be delivered.

Sec. 9. And be it further enacted, That the collector or other officer, or person acting collector, with whom entry shall have been made of any of the faid spirits, pursuant to the act, intituled, " An act to provide more d fectually for the collection of the duties in posed by law on goods, wares and mercha dizes imported into the United States, and a the tonnage of ships or vessels," shall forth with after fuch entry certify and transmit t fame, as particularly as it shall have been ma with him, to the proper officer of inspection of the port where it shall be intended to con mence the delivery of the spirits so entered, any part thereof: for which purpole, ever proprietor, importer or confignee, making fuch entry, shall deliver two manifests of t contents (upon one of which the faid certific shall be given) and shall at the time thereof clare the port at which the faid delivery be fo intended to be commenced, to the lector or officer with whom the same shall made. And every permit granted by fu collector, for the landing of any of the

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foirits, shall previous to fuch landing, be pro- Endorfeduced to the faid officer of inspection, who permits by hall make a minute in some proper book, of inspectors the contents thereof, and shall endorse there-previous to upon the word "INSPECTED," the time the landing when, and his own name: after which he shall of it; and return it to the person by whom it shall have been produced; and then, and not otherwife thall be lawful to land the spirits therein pecified; and if the faid spirits shall be landed without fuch endorfement upon the permit failure for that purpose granted, the master or per- thereof. on having charge of the ship or vessel from which the same shall have been so landed, hall for every fuch offence forfeit the fum of ive hundred dollars.

penalty on

Sec. 10. And be it further enacted, That spirits thenever it shall be intended that any ship or brought ineffel shall proceed with the whole or any part intended to f the spirits which shall have been brought another in a fuch ship or vessel from any foreign port or the United place, from one port in the United States to nother port in the faid United States, wheher in the fame or in different districts, the after or person having the command or harge of fuch ship or vessel, shall previous to er departure, apply to the officer of inspection, whom report was made, for the port from hich she is about to depart, for a certificate f the quantity and particulars of fuch of the aid spirits as shall have been certified or reorted to him to have been entered as impor- an inspecd in fuch thip or veffel, and of fo much there- tor; f as shall appear to him to have been landed ut of her at fuch port; which certificate the id officer shall forthwith grant. And the after or person having the command or charge fuch ship or vessel, shall within twenty-four

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and penal- hours after her arrival at the port to which for ty on maf-ters of vef- shall be bound, deliver the faid certificate to fels for ne- the proper officer of inspection of such last mengleding to tioned port. And if fuch ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforefaid, without having first obtained such certificate; or i within twenty-four hours after her arrival fuch other port, the faid certificate shall no be delivered to the proper officer of inspection there, the master or person having the com mand or charge of the faid ship or vessel, sha in either case forfeit the sum of five hundre and forfei- dollars; and the spirits on board of her at he faid arrival, shall be forfeited, and may be feiz ed by any officer of inspection.

ture of faid fpirits.

Spirits im-Ported asaforel aid how to be landed;

Sec. 11. And be it further enacted, That a fpirits which shall be imported as aforefaid shall be landed under the inspection of the ficer or officers of inspection for the place who the fame shall be landed, and not otherwise on pain of forfeiture thereof; for which put pose the said officer or officers shall, at all re fonable times, attend: Provided, That the shall not be construed to exclude the inspec tion of the officers of the customs as now tablished and practised.

and duties of officers of inspection when landed.

Sec. 12. And be it further enacled, In the officers of inspection under whose surve any of the faid spirits shall be landed, shall u on landing thereof, and as foon as the calk vessels and cases containing the same shall gauged or measured, brand or otherwise man in durable characters, the feveral casks, velle or cases containing the same, with progress numbers; and also with the name of the

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or ressel wherein the same was or were imported, and of the port of entry, and with the proof and quantity thereof; together with fuch other marks, if any other shall be deemed needful, as the respective supervisors of the revenue may direct. And the faid officer shall keep a book, wherein he shall enter the name of each veffel in which any of the faid spirits shall be so imported, and of the port of entry and of delivery, and of the master of such yesfel, and of each importer, and the feveral cafks, reffels and cafes containing the fame, and the marks of each: and if fuch officer is not the chief inspector within the survey, he shall as foon as may be thereafter, make an exact transcript of each entry, and deliver the same to fuch chief officer, who shall keep a like book for recording the faid transcript,

Sec. 13. And be it further enacted, That Officer of the chief officer of inspection within whose inspection survey any of the said spirits shall be landed, to certify the quantihall give to the proprietor, importer or con- ty of spirits fignee thereof, or his or her agent, a certifi- landed, cate to remain with him or her, of the whole quantity of the faid spirits which shall have been so landed; which certificate, besides the faid quantity, shall specify the name of such proprietor, importer or confignee, and of the veffel from on board which the faid spirits shall have been landed, and of the marks of each talk, vessel or case containing the same. And the faid officer shall deliver to the faid propri- which shall etor, importer or confignee, or to his or her shew the agent, a like certificate for each cask, vessel or legality of case; which shall accompany the same where- tation, bever it shall be fent, as evidence of it's being awfully imported. And the officer granting the faid certificates, shall make regular and ex-

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entries thereof;

which certificates shall be delivered to purchasers; penalty on thereof.

and to make act entries in the book to be by him kept aforefaid, of all spirits for which the sam shall be granted, as particularly as therein de scribed. And the faid proprietor, importer or confignee, or his or her agent, upon the fall and delivery of any of the faid spirits, shall de liver to the purchaser or purchasers thereof, the certificate or certificates which ought to a company the fame; on pain of forfeiting the fum of fifty dollars, for each cask, vessel or cal with which fuch certificate shall not be del vered.

Duties on fpirits diftilled within the U. terials.

Sec. 14. And be it further enacted, The upon all spirits which after the faid last dayd June next, shall be distilled within the United States from States, wholly or in part from molaffes, fugar, foreign ma- or other foreign materials, there shall be paid for their use the duties following; that is to fay: For every gallon of those spirits more than to per cent below proof, according to Dicas'shy drometer, eleven cents. For every gallon d those spirits under five and not more than to per cent below proof, according to the fame hydrometer, twelve cents. For every gallond those spirits of proof and not more than five per cent below proof, according to the fame hydrometer, thirteen cents. For every gallon of those spirits above proof, and not exceeding twenty per cent, according to the fame hydrometer, fifteen cents. For every gallon of those spirits more than twenty and not more than forty per cent above proof, according to the fame hydrometer, twenty cents. For eve ry gallon of those spirits more than forty pa cent above proof, according to the fame hy drometer, thirty cents.

Sec. 15. And be it further enacted, The

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pon all fpirits which after the faid last day of Duties on une next, shall be distilled within the United spirits distates, from any article of the growth or pro- home artiuce of the United States, in any city, town cles; r village, there shall be paid for their use the uties following; that is to fay: For every allon of those spirits more than ten per cent below proof, according to Dicas's hydrometer, ine cents. For every gallon of those spirits inder five and not more than ten per cent beow proof, according to the fame hydrometer, en cents. For every gallon of those spirits of proof, and not more than five per cent below proof, according to the fame hydrometer, eleen cents. For every gallon of those spirits boveproof, but not exceeding twenty per cent, eccording to the fame hydrometer, thirteen tents. For every gallon of those spirits more han twenty and not more than forty per cent above proof, according to the same hydrometer, seventeen cents. For every gallon of those pirits more than forty per cent above proof, according to the fame hydrometer, twentyfive cents.

Sec. 16. And be it further enacted, That the how to be aid duties on spirits distilled within the United collected. States, shall be collected under the management of the fupervifors of the revenue.

Sec. 17. And be it further enacted, That the Duties on aid duties on spirits distilled within the Uni- spirits disted States, shall be paid or secured previous tilled within the U. to the removal thereof from the distilleries at States, how which they are respectively made. And it shall to be secubeat the option of the proprietor or proprietors of each distillery, or of his, her or their agent having the superintendance thereof, either to pay the faid duties previous to fuch removal, with an abatement at the rate of two

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cents for every ten gallons, or to fecure the payment of the fame, by giving bond quant yearly, with one or more fureties, to the risfaction of the chief officer of inspection with in whose furvey fuch distillery shall be, and fuch-fum as the faid officer shall direct, with condition for the payment of the duties upo all fuch of the faid spirits as shall be remore from fuch distillery, within three months ner enfuing the date of the bond, at the expire tion of nine months from the faid date.

and paid.

Supervifors to appoint officers to attend to difilleries.

Sec. 18. And be it further enacted, That the supervisor of each district shall appoint prope officers to have the charge and furvey of the distilleries within the same, assigning to each one or more distilleries as he may think pro per, who shall attend fuch distillery at all refonable times, for the execution of the dutie by this act enjoined on him.

Casks to be therefrom,

Sec. 19. And be it further enacted, The and gauged previous to the removal of the faid fpirits fro before are- any distillery, the officer within whose charge and furvey the fame may be, shall brand otherwise mark each cask containing the same in durable characters, and with progression numbers, and with the name of the actin owner or other manager of fuch diffiller and of the place where the fame was fittent and with the quantity therein, to be ascertain ed by actual gauging, and with the prod thereof. And the duties thereupon havin faid officer, been first paid, or secured, as above provided the faid officer shall grant a certificate for each cask of the said spirits, to accompany the sam wherefoever it shall be sent, purporting the the duty thereon hath been paid or fecured as the cafe may be, and describing each calk

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mark; and shall enter in a book for that spole to be kept, all the spirits distilled at ch distillery, and removed from the same; d the marks of each cask, and the persons whose use, and the places to which remod, and the time of each removal, and the nount of the duties on the spirits so remod. And if any of the faid spirits shall be re- Forfeiture oved from any fuch distillery without having for remoen branded or marked as aforefaid, or with- without t fuch certificate as aforefaid, the fame, to- fuch certis ther with the cask or casks containing, and ficate, and chorses or cattle, with the carriages, their mels and tackling, and the veffel or boat thit's tackle and apparel employed in reoving them, shall be forfeited, and may be zed by any officer of inspection. And the perintendant or manager of fuch distillery, all also forfeit the full value of the spirits so moved, to be computed at the highest price the like spirits in the market.

Sec. 20. And be it further enacted, That for rethorspirits shall be removed from any such dif- from diftilery at any other times than between fun- leries withing and fun-fetting, except by confent and out author presence of the officer having the charge d survey thereof, on pain of forfeiture of ch spirits, or of the value thereof at the highprice in the market, to be recovered with its of fuit from the acting owner or manager fuch diffillery.

Sec. 21. And be it further enacted, That up- Duty on fills which after the last day of June next, private all be employed in distilling spirits from maials of the growth or production of the nited States, in any other place than a city, wn or village, there shall be paid for the use the United States, the yearly duty of fixty Vol. I.

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cents for every gallon, English wine-measure of the capacity or content of each and even fuch still, including the head thereof.

Evidence of their employment;

Sec. 22. And be it further enacted, That the evidence of the employment of the faid fill shall be, their being erected in stone, brick a fome other manner whereby they shall be in: condition to be worked.

how it is to be collected; and

what to be done in case

of refufal to

pay it.

Sec. 23. And be it further enacted, That the faid duties on stills shall be collected under the management of the supervisor in each district who shall appoint and assign proper officer for the furveys of the faid stills and the adme furement thereof, and the collection of the do ties thereupon; and the faid duties shall b paid half-yearly, within the first fifteen day of January and July, upon demand of the pro prietor or proprietors of each still, at his, he or their dwelling, by the proper officer char ged with the furvey thereof: And in case refusal or neglect to pay, the amount of the duties fo refused or neglected to be paid, my either be recovered with costs of suit in an ac tion of debt in the name of the supervisor the district, within which fuch refusal sha happen, for the use of the United States, o may be levied by diffress and fale of goods the person or persons refusing or neglecting pay, rendering the overplus (if any there b after payment of the faid amount and the char ges of diffress and fale) to the faid person of persons.

Proprietors of stills to to keep an account of the quantity they dittill,

Sec. 24. And be it further enacted, That havearight the proprietor of any fuch still, finding himse or herfelf aggrieved by the faid rates, sha enter or cause to be entered in a book to b kept for that purpose, from day to day who ure

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th fill shall be employed, the quantity of writs distilled therefrom, and the quantity om time to time fold or otherwise disposed and to whom and when, and shall produce e faid book to the officer of inspection withwhose furvey fuch still shall be, and shall ake oath or affirmation that the same doth ntain to the best of his or her knowledge belief, true entries made at their respece dates, of all the spirits distilled within the e to which fuch entries shall relate, from hstill, and of the disposition thereof; and lalfo declare upon fuch oath or affirmathe quantity of fuch spirits then remainon hand, it shall be lawful in every such for the faid officer to whom the faid book be produced, and he is hereby required furnish a estimate the duties upon fuch still, accor- rule whereto the quantity fo flated to have been ac- ties may be ly made therefrom at the rate of nine cents estimated. gallon, which, and no more, shall be paid the same: Provided, That if the said enshall be made by any person other than aid proprietor, a like oath or affirmation be made by fuch person.

which fhall

nd the more effectually to prevent the on of the duties hereby imposed on spirits led within the United States,

c. 25. Be it further enacted, That every Distillers to on who shall be a maker or distiller of place their from molasses, sugar or other foreign tions on the rials, or from materials the growth and outfide of oction of the United States, shall write or tilleries; or cause to be written or painted upon conspicuous part outside and in front of house or other building or place made , or intended to be made use of by him

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tuous liquors, and upon the door or usual trance of each vault, cellar or apartment wi in the same, in which any of the said lique shall be at any time by him or her diffills deposited or kept, or intended so to be t words " Distiller of Spirits;" and every for and furnish distiller shall within three days before he the inspec- she shall begin to distil therein, make a par cular entry in writing, at the nearest office their build- inspection, if within ten miles thereof, of ere fuch house, building or place, and of a vault, cellar and apartment within the fam in which he or fhe shall intend to carry ont business of distilling, or to keep any spirits him or her diffilled. And if any fuch diffi shall omit to paint or write, or cause to painted or written the words aforefaid, in m ner aforefaid, upon any fuch house or of building or place, or vault, cellar or apartm thereof, or shall, in case the same be situ within the faid distance of ten miles of office of inspection, omit to make entry then as aforefaid, fuch distiller shall for every si omission or neglect, forfeit one hundred lars, and all the spirits which he or she keep therein, or the value thereof, to become puted at the highest price of fuch spirits in market; to be recovered by action, with or of fuit, in any court proper to try the in in the name of the supervisor of the dib within which fuch omiffion or neglect or or fion shall be, for the use of the United State Provided always, and be it further enach That the faid entry to be made by perfons piffied, and shall be distillers of spirits, on the first day July next, shall be made on that day, or in three days thereafter, accompanied (ex

penalty in case of neglect there-

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where the duties hereby imposed are charged on the still) with a true and particular account or inventory of the spirits, on that day and at the time, in every or any house, building or place by him or her entered; and of the cafks, cases and vessels containing the same, with their marks and numbers, and the quantities and qualities of the spirits therein contained, on pain of forfeiting for neglect to make fuch en- forfeiture try, or to deliver fuch account, the fum of one in eafe of neglect. hundred dollars, and all the spirits by him or her had or kept in any fuch house, building or place; to be recovered as aforefaid.

Sec. 26. And be it further enacted, That the supervisor of the revenue for the district supervisors wherein any house, building or place shall be entered fituate, whereof entry shall be made as last buildings, aforesaid, shall as soon as may be thereafter, &c. vifit and inspect, or cause to be visited and inspected by some proper officer or officers of inspection, every such house or other building or place within his district, and shall take or cause to be taken, an exact account of the spi- take an acrits therein respectively contained, and shall the spirits mark or cause to be marked in durable cha-therein, & racters, the feveral casks, cases or vessels con- casks; taining the fame, with progressive numbers, and also with the name of each distiller to whom the fame may belong, or in whose cuftody the fame may be, and the quantities, kinds and proofs of spirits therein contained, and these words, "Old Stock." And the inspec- an entry of tor of each furvey shall keep a book, wherein which shall he shall enter the name of every distiller, and be made by the particulars of fuch old stock in the pos- tor, session of each, designating the several casks, cases and vessels containing the same, and their respective quantities, kinds, proofs and marks,

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and a certificate given to the proprietor. and shall also give a certificate to every such distiller of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case or vessel describing the same, which certificate shall accompany the same wheresoever it shall be sent, and such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates that ought to accompany the same, on pain of forseiting sifty dollars for each cask, case or vessel, with which such certificate shall not be delivered.

Importers of distilled spirits when to make entry thereof, & duty of the inspectors thereupon;

Sec. 27. And be it further enacted, That every importer of distilled spirits, who, on the first day of July next, shall have in his or her polfession any distilled spirits, shall, within three days thereafter, make due entry thereof with the officer of inspection within whose survey the fame shall then be; who shall mark the casks, vessels or cases containing such spirits, in like manner as is herein before directed touching fuch spirits as shall be in the possesfion of diffillers on the first day of July next, and shall grant the like certificates therefor as for fuch fpirits, which certificates shall accompany the respective casks, cases and vessels to which they shall relate, wherefoever they shall be fent, and fuch importer, his or her agent, upon the sale and delivery of any of the said fpirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates which ought to accompany the fame, on pain of forfeiting fifty dollars for each cask, case or vessel with which such certificate shall not be delivered. And if any fuch importer or importers shall refuse or neglect to make such uch

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miry at the time and in the manner herein penalty for irected, all fuch spirits as shall not be so en-neglecting ered shall be forfeited, and the importer or such enmporters in whose custody the same shall be tries. ound, shall moreover forfeit the sum equal to he full value thereof, according to the highest rice of fuch spirits in the market.

Sec. 28. And be it further enacted, That if Distilled ny cask, case, or vessel containing distilled spirits net pirits, which by the foregoing provisions of nor accomhis act, ought to be marked and accompanied panied by a ith a certificate, shall be found in the posfion of any person unaccompanied with such arks and certificate, it shall be presumptive idence that the fame are liable to forfeiture, dit shall be lawful for any officer of inspecon to feize them as forfeited; and if, upon e trial in confequence of fuch feizure, the mer or claimant of the spirits seized, shall pt prove that the fame were imported into e United States according to law, or were filled as mentioned in the thirteenth and urteenth sections of this act, and the duties ereupon paid, or were distilled at one of the Is mentioned in the twentieth fection of this liable to they shall be adjudged to be forfeited.

forseiture.

Sec. 29. And be it further enacted, That it all be lawful for the officers of inspection of th furvey at all times in the day time, upon quest, to enter into all and every the houses, re-houses, ware-houses, buildings and plawhich shall have been entered in manner refaid, and by tafting, gauging or othere, to take an account of the quantity, kinds proofs of the faid spirits therein contain-; and also to take samples thereof, paying the same the usual price.

defacing marks on vellels.

Penalty for Sec. 30. And be it further enacted, That any person or persons shall rub out or deface any of the marks fet upon any cask, vessel or case pursuant to the directions of this act, such person or persons shall, for every such offence, forfeit and pay the fum of one hundred dollar.

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Sec. 31. And be it further enacted, That no marked to cask, barrel, keg, veffel or case, marked be used for " Old Stock," shall be made use of by any distiller of spirits, for putting or keeping there in any spirits other than those which were contained therein when so marked, on pain d forfeiting the fum of one hundred dollars for every cask, barrel, keg, vessel or case where any fuch spirits shall be so put or kept; neither shall any fuch distiller have or keep any diff. led spirits in any such cask, barrel, keg, velle or case, longer than for the space of one year from the faid last day of June next, on pains forfeiting the faid spirits: Provided, That no tain vessels. thing in this fection contained shall be confin ed to extend to casks or vessels, capable of cos taining two hundred gallons and upwards, an which are not intended to be removed.

How long liquors shall be kept.

Spirits ed to be forfeited.

Sec. 32. And be it further enacted. That fraudulent- case any of the said spirits shall be fraudulent ly conceal- ly deposited, hid or concealed in any place whatfoever, with intent to evade the dutie thereby imposed upon them, they shall be for feited. And for the better discovery of fuch spirits so fraudulently deposited, hid concealed, it shall be lawful for any judget of any court of the United States, or either them, or for any justice of the peace, upo reasonable cause of suspicion, to be made to the fatisfaction of fuch judge or justice, the oath or affirmation of any person or pa

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ons, by special warrant or warrants under their suspened a respective hands and seals, to authorize any of fearchedby the officers of inspection, by day, in the pre- warrant of ence of a constable or other officer of the judge or peace, to enter, into all and every fuch place the peace. or places in which any of the faid spirits shall e suspected to be so fraudulently doposited, hid or concealed, and to feize and carry away any of the faid spirits which shall be there found fo fraudulently deposited, hid or concealed, as forfeited.

Sec. 33. And be it further enacted, That after spiritous he last day of June next, no spirituous liquors liquors exacept gin or cordials in cases, jugs or bottles, cordials in hall be brought from any foreign port or certain velplace, in casks of less capacity than fifty gal- forfeited. ons at the least, on pain of forfeiting of the aid spirits, and of the ship or vessel in which hey shall be brought: Provided always, That Proviso. nothing in this act contained shall be construed o forfeit any spirits for being imported or prought into the United States, in other casks rvessels than as aforesaid, or the ship or vesel in which they shall be brought, if fuch spiits shall be for the use of the seamen on board uch thip or vessel, and shall not exceed the quantity of four gallons for each feaman.

Sec. 34. And be it further enacted, That in Forseiture wery case in which any of the said spirits shall be orfeited by virtue of this act, the casks, vessels and cases containing the same, shall also be

Sec. 35. And be it further enacted, That eve- Diffillers to y distiller of fpirits; on which the duty is make enhereby charged by the gallon, shall keep or kinds and taufe to be kept, an exact account of the faid quantity of pitits, which he or the stiall fell, fend out or VOL: L

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proofs; and fhall every day make a just a true entry in a book, to be kept for that pu pofe, of the quantities and particulars of the faid fpirits by him or her fold, fent out or a tilled on the preceding day i specifying the marks of the feveral cafks in which they had be fo fold or fent out, and the person to who and for whose use they shall be so fold or is out: which faid books shall be prepared for the making fuch entries, and shall be delive ed upon demand, to the faid distillers, by the supervisors of the revenue of the several de tricts, or by fuch person or persons as the shall respectively for that purpose appoint, a shall be severally returned or delivered at the end of each year, or when the fame shall be respectively filled up, (which shall first happe to the proper officers of inspection; and truth of the entries made therein shall be we rified, upon the oath or affirmation of the perfon by whom those entries shall have be made, and as often as the faid books hall furnished upon like demand by the properd ficers of inspection, to the faid distillers to pectively. And the faid books shall from tim to time while in the possession of the said d tillers, lie open for the inspection of, and up on request thall be shewn to the proper of cers of inspection under whose furvey the distillers shall respectively be, who may the fuch minutes, memorandums, or transcrip thereof, as they may think fit. And if any fut distiller, shall neglect or refuse to keep such penalty for book or books, or to make fuch entries the in, or to flew the fame upon request, to

proper officer of inspection, or not return

fame according to the directions of this act,

To be examined by officers of inspection;

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fine shall forfeit for every such refusal or eglect, the fum of one hundred dollars.

Sec. 36. And be it further enacted, That the Penalties enalties by this act imposed on distillers for this act, eglecting to make report to the infpectors, not to extheir intentions of distilling spirits, or for certain eglecting to mark the houses, apartments or cases. effels to be employed, or for neglecting to nter in books the quantity of spirits distilled, all not extend to any person who shall emlov one still only, and that of a capacity not acceeding fifty gallons, including the still-

imposed by

Sec. 37. And be it further enacted, That Proof of fpirits how he several kinds of proof herein before specifications. ed, shall in marking the casks, vessels and ed, ales containing any distilled spirits, be distinwished corresponding with the order in which hey are mentioned by the words "FIRST PROOF;""SECOND PROOF;""THIRD PROOF;" OURTH PROOF;" " FIFTH PROOF;" " SIXTH Secretary ROOF." And that it be the duty of the Se- fury to proretary of the Treasury, to provide and furin to the officers of inspection and of the ascertain. ultoms, proper instruments for ascertaining nefaid feveral proofs.

of the treavide instruments for ing them.

Sec. 38. And be it further enacted, That in Proceedhyprofecution or action which may be brought ings in cafe gainst any supervisor or other officer of in- by others pection, for any feizure by him made, it shall of infinee necessary for such supervisor or officer to ultify himself by making it appear that there as probable cause for making the said leiure; upon which, and not otherwise, a verich shall pass in his favor. And in any such dion or profecution, or in any action or procution which may be brought against such

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fupervifor or other officer, for irregular or in proper conduct in the execution of his dur the trial shall be by jury. And in any action for a feizure, in which a verdict shall pass for fuch officer, the jury shall nevertheless affer reasonable damages for any prejudice or was (according to the true amount in value the of) which shall be shewn by good proof have happened to the spirits seized, in con quence of fuch feizure; and also for the tention of the fame, at the rate of fix per co per annum, on the true value of the faid is rits at the time of fuch feizure, from that ti to the time of restoration thereof; which the be paid out of the treasury of the Unite States: Provided, That no damages shall for want of affeffed when the feizure was made for wa of the proper certificate or certificates, or reason of a refusal to shew any officer of fpection, upon his request, the spirits in a entered house, building or place: And proded also, That if it shall appear from the ve dict of the jury, that any fuch prejudice waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.

Damages proper certificates, or negligence, to be fuftained by the officers.

Penalty on Supervifors, &c. convicted of oppreffion or extortion.

Sec. 39. And be it further enacted, That any supervisor or other officer of inspection in any criminal profecution against him, fa be convicted of oppression or extortion in the execution of his office, he shall be fined in exceeding five hundred dollars, or impriform not exceeding fix months, or both, at the cretion of the court; and shall also forfeit office.

No fees to betaken for eertificates granted.

Sec. 40. And be it further enacted, That fee shall be taken for any certificate to be fued or granted purfuant to this act.

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Sec. 41. And be it further enacted, That if Penalty on ny of the faid supervisors or other officers of officers for aspection, shall neglect to perform any of the neglect of duty. luties hereby enjoined upon them respectiver, according to the true intent and meaning this act, whereby any person or persons hall be injured or fuffer damage, fuch person persons shall and may have an action founded upon this act, against fuch supervisors or ther officers, and shall recover full damages or the same, together with costs of fuit.

Sec. 42. And be it further enacted, That Proceedmy action or fuit to be brought against any ings in case person or persons, for any thing by him or when to be hem done in pursuance of this act, shall be commencommenced within three months next after the matter or thing done, and unless brought n'a court of the United States, shall be laid in the county in which the cause of action shall have arisen; and the defendant or defendants in any fuch action or fuit, may plead the general iffue, and on the trial thereof give this ad and the special matter, in evidence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonfuited, or discontinue his, her or their action or profecution, or judgment shall be given against such plaintiff or plaintiffs, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him, her or them, against such plaintiff or plaintiffs.

And in order that persons who may have incurred any of the penalties of this act, without wilful negligence or intention of fraud,

may be relieved from fuch penalties,

Sec. 43. Be it further enacted, That it shall be lawful for the judge of the district within which fuch penalty or forfeiture thall have been incurred, at any time within one year

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Secretary after the last day of June next, upon petition fury autho- of the party who shall have incurred the fame rizedto mi- to enquire in a fummary way into the circum. stances of the case, first causing reasonable no. tice to be given to the person or persons claim. ing fuch penalty or forfeiture, and to the atorney of fuch diffrict; to the end that each may have an opportunity of shewing cause against the mitigation or remission thereof: and shall cause the facts which shall appear upon fuch enquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit fuch penalty or forfeiture, if it shall appear to him that fuch penalty or forfeiture was incurred without wilful negligence, or any defign or intention of fraud, and to cause any spirits which may have been seized to be restored to the proprietor or proprietors, upon fuch terms and conditions as thall appear to him reasonable.

Appropriation of forfeitures and penal-

Sec. 44. And be it further enacted, That the one half of all penalties and forfeitures incurred by virtue of this act, except as above provided, shall be for the benefit of the perfon or perfons who shall make a seizure, or who shall first discover the matter or thing whereby the fame shall have been incurred; and the other half to the use of the United States. And fuch penalty and forfeiture shall be recoverable with costs of suit, by action of debt, in the name of the person or persons intitled thereto, or by information, in the name of the United States of America; and it shall be the duty of the attorney of the diffrict wherein any fuch penalty or forfeiture may have been incurred, upon application to him, to institute or bring such information accortion

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dingly: Provided always, That no officer of inspection other than chief officer, or officers of a furvey, shall be intitled to the benefit of any forfeiture unless notice of the feizure by him made, thall be by him given within fortyeight hours next after fuch leizure, to the faid chief officer or officers; but in fuch case the United States shall have the entire benefit of fuch forfeiture. Our must a year bas district ton

Sec. 45. And be it further enacted, That If Punishmy person or persons shall counterfeit or forge, ment on or caufe to be counterfeited or forged any of convicted the certificates herein before directed to be of countergiven, or fhall knowingly or willingly accept timeates. or receive any false or untrue certificate with my of the faid fpirits, or shall fraudulently alter or erafe any fuch certificate after the fame hall be given, or knowingly or willingly pubfish or make use of such certificate so counterfeited, forged, false, untrue, altered or eraled, every person so offending, shall, for each and every offence, forfeit and pay the fum of five hundred dollars.

feiting cer-

Sec. 46. And be it further enacted, That Persons any person or persons that shall be convicted convicted of wilfully taking a falfe oath or affirmation, oath or afin any of the cases in which oaths or affirma- firmation, tions are required to be taken by virtue of this punished. act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

of falle

Sec. 47. And be it further enacted, That if any person or persons shall give, or offer to Penaltyfor give any bribe, recompence or reward what- bribes to loever, to any supervisor or other officer of in- officers of spection of the revenue, in order to corrupt, periuade or prevail upon fuch officer, either to do any act or acts contrary to his duty in

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the execution of this act, or to neglect or one to do any act or thing which he ought to do in the execution of this act, or to connive a or to conceal any fraud or frauds relating to the duties hereby imposed on any of the faid spirits, or not to discover the same, every such person or persons, shall for such offence, whether the same offer or proposal be accepted or not, forfeit and pay a sum not exceeding size hundred dollars.

and forcibly obfiructing them in the execution of their du-

Sec. 48. And be it further enacted, That if any person or persons shall forcibly obstruct or hinder any supervisor or other officer of inspection, in the execution of this act or of any of the powers or authorities hereby velted in him, or shall forcibly rescue or cause to be rescued, any of the said spirits after the same shall have been seized by any such supervisor or other officer, or shall attempt or endeavor so to do, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and pay a sum not exceeding two hundred dollars.

Supervifors entering into collution, false marking any casks or vessels, or entbezzling public money, how to be pupissed.

Sec. 49. And be it further enacted, That if any such supervisor or other officer, shall enter into any collusion with any person or person for violating or evading any of the provisions of this act, or the duties hereby imposed, or shall fraudulently concur in the delivery of any of the said spirits, out of any house, building or place, wherein the same are deposited, without payment or security for the payment of the duties thereupon, or shall falsely or fraudulently mark any case, case or vessel, contrary to any of the said provisions, or shall embezzle the public money or otherwise be guilty of fraud in his office, such supervisor or other officer shall for every such offence forseit the

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fum of one thousand dollars, and upon conviction of any of the faid offences, shall forfeit his office, and shall be disqualified for holding any other office under the United States.

Sec. 50. And be it further enacted, That in Supervisors every case in which an oath or affirmation is may administer oath required by virtue of this act, it shall be law- or affirmaful for the supervisors of the revenue, or any tion, and of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a district, to administer and take such oath or affirmation. And that wherever there me more than one supervisor for one district, powers vefa majority of them may execute all and any jority not of the powers and authorities hereby vested to cases in the supervisors of the revenue: Provided, where the That this shall not be construed to make a ought to be majority necessary in any case in which, ac-several. cording to the nature of the appointment or service, and the true intent of this act, the authority is or ought to be feveral.

And for the encouragement of the exporttrade of the United States:

Sec. 51. Be it further enacted, That if any Allowance of the faid spirits (whereupon any of the du- to exporties imposed by this act shall have been paid ters, or secured to be paid) shall after the last day of June next, be exported from the United States to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of draw-back, equal to the duties thereupon, according to the rates in each case by this act imposed, deducting therefrom half a cent per gallon, and adding to the allowance upon spirits distilled within the United States, from molasses, which shall be so exported, three cents per gallon, as an equi-VOL. I.

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valent for the duty laid upon molasses by the faid act making further provision for the pay. ment of the debts of the United States: Provided always, That the faid allowance shall not restrictions. be made, unless the said exporter or exporters shall observe the regulations herein after prescribed: And provided further, That no. thing herein contained shall be construed to alter the provisions in the faid former act, concerning drawbacks or allowances, in nature thereof, upon spirits imported prior to the first day of July next.

Allowance to exporters under what refwrictions.

Sec. 52. And be it further enacted, That in order to intitle the faid exporter or exporters to the benefit of the faid allowances, he, the or they, shall previous to putting or lading any of the faid spirits on board of any ship or velfel for exportation, give twenty-four hours notice at the least, to the proper officer of inspection of the port from which the faid spirits shall be intended to be exported, of his, her or their intention to export the fame, and of the number of casks, vessels and cases, or elther of them, containing the faid spirits so intended to be exported, and of the respective marks thereof, and of the place or places where the faid spirits shall be then deposited, and of the place to which, and ship or vessel in which they shall be so intended to be exported. Whereupon it shall be the duty of the faid officer to inspect, by himself or deputy, the calks, vessels and cases so noticed for exportation, and the quantities, kinds and proofs of the spirits therein, together with the certificates which ought to accompany the fame according to the directions of this act, which shall be produced to him for that purpose; and if he shall find that the faid casks, vessels and cases have the

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proper marks according to the directions of this act, and that the spirits therein correspond with the faid certificates, he shall thereupon brand each cask, vessel or case with the word "Exportation;" and the said spirits shall, ofter fuch inspection, be laden on board the ame ship or vessel, of which notice shall have been given, and in the presence of the same officer who shall have examined the same, and whose duty it shall be to attend for that purofe. And after the faid spirits shall be laden m board fuch ship or vessel, the certificates foresaid shall be delivered to the said officer, the shall certify to the collector of the said filtrict, the amount and particulars of the spiits fo exported, and shall also deliver the said tertificates which shall have been by him rerived, to the faid collector, which shall be a moucher to him, for payment of the faid alowance.

Sec. 53. Provided nevertheless, and be it fur- Upon what ber enacled, That the faid allowance shall not allowance emade, unless the faid exporter or exporters shall be hall make oath, or affirmation, that the faid made, pirits fo noticed for exportation, and laden on ward fuch ship or vessel, are truly intended to exported to the place whereof notice shall ave been given, and are not intended to be elanded within the United States; and that or fhe doth verily believe that the duties hereupon charged by this act, have been duly aid, or fecured to be paid; and shall also give ond to the collector, with two fureties, one whom shall be the master, or other person laving the command or charge of the ship or refiel in which the faid spirits shall be intended be exported; the other, fuch fufficient peron as shall be approved by the said collector,

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in the full value in the judgment of the faid collector, of the faid spirits so intended to be exported, with condition that the faid spirits (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the United States, and that the said spirits shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States, or relanded in any other part of the same (shipwreck or other unavoidable accident excepted.)

and when

Sec. 54. Provided also, and be it further enacted, That the said allowance shall not be paid until six months after the said spirits shall have been so exported: And provided also, That whenever the owner of any ship or vessel, on board of which any such spirits are laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such spirits are laden, that such ship or vessel is not going to proceed the voyage intended or the voyage is altered, it shall be lawful for the collector to grant a permit for the relanding the same,

Forfeiture
where fpirits shipped
for exportation shall
be relanded
within U.
States, excepting in
certain
cases.

Sec. 55. And be it further enacted, That if any of the faid spirits, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be relanded within the United States, from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of

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necessity or distress to save the ship and goods from periffing, which shall be immediately made known to the principal officer of the enfloms, refiding at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then not only the fpirits fo unshipped, together with the casks, veffels and cases containing the same, but also the ship or vessel in or on board which the fame shall have been so shipped or laden, together with her guns, furniture, ammunition, ackle and apparel; and also the ship, vessel or boat into which the faid spirits shall be unhipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs, or of inspection.

Sec. 56. And be it further enacted, That On spirits the faid allowance shall not be made when the exported in faid spirite shall be exported in any other than aid spirits shall be exported in any other than a stap or a ship or vessel of the burthen of thirty tons vessel of 30 and upwards, to be afcertained to the fatisfac- upwards, tion of the collector of the district from which allowance the same shall be intended to be exported.

Sec. 57. And be it further enacted, That the When bonds to be given as aforefaid, shall and may bonds may be discharged by producing within one year be discharfrom the respective dates thereof (if the same be under cerhipped to any part of Europe or America, and tain proofs. within two years if shipped to any part of Asia or Africa, and if the delivery of the spirits in respect to which the same shall have been given, be at any place where a conful or other agent of the United States resides) a certificate of fuch conful or agent, or if there be no fuch conful or agent, then a certificate of any two known and reputable American merchants,

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When be difchar under certain proofs,

refiding at the faid place; and if there be not two fuch merchants refiding at the faid place, then a certificate of any other two reputable merchants, teltifying the delivery of the faid bonds may spirits at the said place. Which certificate shall in each case be confirmed by the oath or affirmation of the mafter and mate, or other like officer of the veffel in which the faid spirits shall have been exported; and when such certificate shall be from any other than a conful or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not upon diligent enquiry, to be found two merchants of the United States at the faid place: Provided always, That in the case of death, the oath or affirmation of the party dying, shall not be deemed necessary: And provided further, That the faid oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and feal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or fuch bonds shall and may be discharged upon proof that the fpirits fo exported, were taken by enemies or perished in the sea, or destroyed by fire; the examination and proof of the fame being left to the judgment of the collector of the cuftoms, naval-officer, and chief officer of inspection, or any two of them, of the place from which fuch fpirits shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of fuch spirits, shall nevertheless be permitted to offer fuch other proof as to the delivery of the faid spirits, without the limits of the United States, as he or they may have;

and if the same shall be deemed sufficient by to be rethe faid collector, he shall allow the same, excomptrolcept when the drawback to be allowed, shall ler of treaamount to one hundred dollars or upwards; fury, whose in all which cases the proofs aforesaid shall be thereon referred to the comptroller of the treafury, fina'. whose decision thereon shall be final.

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Sec. 58. And be it further enacted, That it President hall and may be lawful for the President of authorized to make althe United States from time to time, to make towance to such allowances to the said supervisors, inspec- supervisors, tors, and to the deputies and officers by them their ferto be appointed and employed for their respectives, out of the protive services in the execution of this act, to be duct of the paid out of the product of the faid duties, as duties, he shall deem reasonable and proper: Provided always, That the aggregate amount of the allowances to all the faid supervisors, inspectors and other officers, shall not exceed seven per cent of the whole product of the duties anding from the spirits distilled within the United States: And provided also, That such allowance shall not exceed the annual amount ceed 45,000 hall be further afcertained by law.

of forty-five thousand dollars, until the same dollars an-

Sec. 59. And be it further enacted, That Comthis act shall commence and take effect as to mencement all matters therein contained, in respect to which no special commencement is hereby provided (except as to the appointment of officers and regulation of the districts and furreys) from and immediately after the last day of lune next.

Sec. 60. And be it further enacted, That the Nett pronett product of the duties herein before speci- duct of dufied, which shall be raised, levied and collected for pay by virtue of this act, or so much thereof as ment of inmay be necessary, shall be, and is hereby pledg- loans.

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ed and appropriated for the payment of their. terest of the several and respective loans which had been made in foreign countries, prior to the fourth day of August last; and also upon all and every the loan and loans which have been and shall be made, and obtained pursuant to the act, intituled, " An act making provision for the debt of the United States;" and according to the true intent and meaning of the faid act, and of the several provisions and engagements therein contained and expressed, and fubject to the like priorities and refervations as are made and contained in and by the faid act, in respect to the monies therein appropriated, and subject to this farther refervation, that is to fay: Of the nett amount or product during the present year, of the duties laid by this act, in addition to those heretofore laid upon spirits imported into the United States, from any foreign port or place, and of the duties laid by this act on spirits distilled within the United States, and on stills; to be disposed of towards such purposes for which appropriations shall be made during the prefent fession. And to the end that the said monies may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpose until the final redemption, or reimbursement of the loans or fums for the payment of the interest whereof they are appropriated, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, impost, excise, and taxes whatfoever, except those heretofore laid and appropriated to the same purposes.

and to be inviolably applied thereto.

Sec. 61. And be it further enacted, That the unappropriated furplus, if any there shall be,

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of the revenue arising under this act, at the Unappreend of this and every fucceeding year, shall be priated applied to the reduction of the public debt, in how to be like manner as is directed by the act, intituled, applied. " An act making provision for the reduction of the public debt;" and provided by the act, intituled, "An act making provision for the debt of the United States;" unless the faid surplus, or any part thereof, shall be required for the public exigencies of the United States, and shall, by special acts of Congress, be appropriated thereto.

Sec. 62. And be it further enacted, That Duties the several duties imposed by this act, shall hereby imcontinue to be collected and paid, until the long to debts and purposes for which they are pledged and appropriated, shall be fully discharged and fatisfied, and no longer. Provided always, That nothing herein contained, shall be contrued to prevent the legislature of the United States from substituting other duties or taxes dequal value to all or any of the faid duties and imposts.

REDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the third, 1791: GEORGE WASHINGTON,

President of the United States.

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An Act making an Appropriation for the Pur. Linigas pose therein mentioned.

20,000 dollars appropriated for effecting a recognition of the treaty with Emperor of Morocco; and

> or your continues

DE it enacted by the Senate and House of Re. presentatives of the United States of America in Congress assembled, That for the purpose of effecting a recognition of the treaty of the United States, with the new Emperor of Morocco, there be, and hereby is appropriated a fum not exceeding twenty thousand dollars, to be paid out of the monies which prior to the first day of January next, shall affe from the duties imposed upon fririts distilled within the United States, and from stills by the act entitled, " An act repealing after the last day of June next, the duties heretofore last upon diffilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the fame," together with the excess of duties which may arise from the duties imposed by the faid act, on imported spirit beyond those which would have arisen by the act entitled, "An act making further provi fion for the payment of the debts of the Unite States." And the President is hereby author rized to take on loan, the whole fum by the faidmoney, act appropriated, or fo much thereof as a may judge requifite, at an interest not excee ding fix per cent. per annum, and the fun established for the above mentioned appropri ation, is hereby pledged for the repayment the principal and interest of any loan to b obtained in manner aforesaid, and in case of any deficiency in the faid fund, the faith of the

Prefident authorized to borrow

United States is hereby also pledged to make good fuch deficiency.

MEDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

10HN ADAMS, Vice-Prefident of the United States, and Prefident of the Senate.

APPROVED, March the third, 1791:

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cafe o ofth GEORGE WASHINGTON,

President of the United States.

## CHAPTER XVII.

An Act to amend " An Act, for establishing the temporary and permanent Seat of the Government of the United States."

DE it enacted by the Senate and House of Representatives of the United States of Ameria in Congress affembled, That so much of the act, intitled, "An act for establishing the tem- of the act porary and permanent feat of the government of the United States," as requires that the feat of gowhole of the district of territory, not exceeding on miles square, to be located on the river Potowmac, for the permanent feat of the government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the faid limit, and above the mouth of Hunting Creek, a part of the laid district, so as to include a convenient part of the Eastern Branch, and of the lands lying

Repealing certain part fixing the permanent vernment of U. States,& vesting the Prefident with certain pow-

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on the lower fide thereof, and also the town of Alexandria, and the territory so to be in cluded, shall form a part of the district not exceeding ten miles square, for the permanent seeding ten miles square, for the permanent seeding ten miles square, for the permanent seeding ten miles square, for the permanent seed in like manner and to all intents and purpose, as if the same had been within the purview of the above recited act: Provided, That nothing herein contained, shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potowmac, as required by the aforesaid act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the Unita

States, and President of the Senate.

APPROVED, March the third, 1791:
GEORGE WASHINGTON,
President of the United States.

## CHAPTER XVIII.

An Act supplemental to the Act " establishing the Treasury Department," and for a farther Compensation to certain Officers.

8th fection of act establishing treasury department extended to clerksunder certain mediscations.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the eighth section of the act, intituled "An act to establish the treasury-department, passed the second day of September, one thousand seven hundred and eighty-nine, shall be

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and the fame is hereby extended to all and every of the clerks employed in the treafury department, as fully and effectually as if they and every of them were specially named therein, except as to the penalty in fuch fection mentioned, which in case of any such clerk offending against the provisions of the faid section, shall be five hundred dollars, and removal from office. inches which lands at cross

Sec. 2. And be it further enacted, That each Clerks and and every clerk and other officer already ap- other offipointed in any of the departments of the United an oath or States, (and who have not, fince their appointment, taken the oath or affirmation hereafter mentioned) shall within fifteen days after the passing of this act, and those who shall hereafter be appointed, shall before they enter upon the duties of fuch appointment, take an oath or affirmation before one of the justices of the supreme court, or one of the judges of a difthat court of the United States, to support the Constitution of the United States, and also an oath or affirmation, well and faithfully to execute the trust committed to him, which ouths or affirmations, subscribed by such clerk, to be filed and certified by the person administering the inthe office same, shall be filed in the office of the person ployed. employing fuch clerk.

Sec. 3. And be it further enacted, That it Principals hall and may be lawful for the principal in may apporany of the offices of the United States, who dols allows authorized by law to appoint clerks under ed to cach, him, to allow to each clerk fuch compensation chief, acfor his fervices, as he shall, in the opinion of cording to such officer, deserve for the same: Provided, That the whole fum to be expended for clerks in any fuch office (except the chief clerk) shall not exceed a fum equal to five hundred dol-

affirmation;

lars per annum for every clerk employed therein; and his bavelque with the men

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Additional Sec. 4. And be it further enacted by the aufor one year thority aforefaid, That there shall be allowed to register, for one year, commencing with the passing of comptroller this act, to the Register, two hundred and & attorney- fifty dollars, and to the Auditor, the Comp. troller of the Treasury, and the Attorney-General, four hundred dollars each, in addition to their respective salaries, and to be paid in the fame manner.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON.

President of the United States.

# dent of the participation of the contraction of the CHAPTER XIX.

Tell be fiel. B Z mast An Act relative to the Rix-Dollar of Denmark.

DE it enacted by the Senate and House of Representatives of the United States of Ameagadancii rica in Congress affembled, That so much of mile velevi Resp Builty an act, intituled, " An act to provide more ef-Part of the fectually for the collection of the duties impoact rating rix dollarof fed by law on goods, wares and merchandize Denmark imported into the United States, and on the at 100 cents thiported frequency at 100 cents tonnage of ships or vessels," as hath rated the rix-dollar of Denmark at one hundred cents, yed

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be, and the fame is hereby repealed; and that! this repeal shall be deemed to operate in ref nect to all duties which have already arisen or accrued, as well as to fuch as shall hereafter arife or accrue. dress of on be well and anoth moment

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives. 10HN ADAMS, Vice-President of the United

States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,

Prefident of the United States.

#### CHAPTER XX.

Spanker of the Houle of Representation

An Ad in Addition to an Ad, intituled, " An Act for establishing the Salaries of the Executive Officers of Government, with their Affistants and Clerks.

Section 1. DE it enacted by the Senate and House of Representatives of the United States of America in Congress affembled, That from and after the passing of this act, there shall be allowed to the chief clerk of the auditor, the annual fum of two hundred ance of 200 dollars, in addition to the falary allowed to him by the act, intituled, " An act establishing to the authe falaries of the executive officers of government, with their affiftants and clerks," to be paid at the treasury of the United States, in quarterly payments, and from like appro-

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priations as may be assigned for the payment of the other salaries mentioned in the above recited act.

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Allowance of expenses in removing from New-York to Philadel-phia, to clerks employed in the several offices;

there be allowed to the clerks employed in the feveral offices attached to the feat of government, in addition to their respective fallines, their reasonable and necessary expenses incurred by the removal of Congress from the city of New-York, to the city of Philadelphia.

and of 400 dollars for r year to affiftant fecretary of the treasury.

Sec. 3. And be it further enacted, That there be allowed to the affiftant secretary of the treasury, in addition to his salary for one year, commencing with the passing of this ad, four hundred dollars, to be paid in the same manner as his salary.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,
President of the United States.

# CHAPTER XXI.

An Act for making Compensations to the Commissioners of Loans, for extraordinary Expenses. (EXPIRED.)

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# CHAPTER XXII.

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In All providing Compensations for the Officers of the Judicial Courts of the United States; and for Jurors and Witnesses, and for other Purposes.

(REPEALED.)

# CHAPTER XXIII.

In Act to continue in Force for a limited Time. an Act, intituled, " An Act for the temporary Establishment of the Post-Office."

(EXPIRED.)

# CHAPTER

In Act to continue in Force the 48 therein mentioned, and to make further Provision for the Rayment of Pensions to Invalide, and for the Support of Light-House, Beacons, Buoys, and public Piers

Sec. i. DE it enacted by the Senate and Mouse of Representatives of the United States of America in Congress assembled, That the act, entitled, " An act to provide As formior mitigating or femitting the forfeitures and enalties accruing under the revenue laws in for tertain cases therein mentioned," shall be and hereby continued in force until the end of the next fession of Congress, and no longer.

Pensions to invalids for I year to be treasury.

Sec. 2. And be it further enacted, That the yearly penfions which have been allowed by or paid out of in pursuance of any act or law of the United States, to perfons who were wounded and difabled during the late war, shall for the space of one year from the fourth day of March next, be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.

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Expenses from 1ft July next of all lighthouses, &c. to be defrayed by U. States till July 1792.

See. 3. And be it further enacted, That all expenses which shall accrue from the first day of July next, inclusively for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thoufand feven hundred and ninety-two, notwithstanding such light-houses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the jurifdiction of the fame, shall not in the mean time be ceded to or vested in the United States, by the slate or states respectively, in which the same may be, and that the faid time be further allowed to the states respectively, to make such cession Provided, That nothing in the faid act shall be construed to limit or restrain the power of the President of the United States, to gran pardons for offences against the United States

Power to the Prelident to pardon offences not reftrained.

## FREDERICK AUGUSTUS MUHLENBERG

Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the United States, and President of the Senate. APPROVED, March the third, 1791: GEORGE WASHINGTON,

President of the United States.

# CHAPTER XXV.

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An Act supplementory to the Act, making Provision for the Reduction of the Public Debt.

THEREAS it hath been made known to Congress that the President of the United States, in confequence of "An act making provision for the reduction of the public debt," hath caused a certain loan to be made in Holland, on account of the United Holland of States, to the amount of three millions of flo- floring, at 5 rins, bearing an interest of five per centum per per cent annum, and reimburfable in fix yearly instalments, commencing in the year one thouland eight hundred, and ending in the year one thousand eight hundred and fix, or at any time sooner, in whole or in part, at the option of the United States.

And whereas it hath been also stated to whereon Congress, that the charges upon the faid loan the charges are 4 & 1-2 have amounted to four and a half per centum, per cent. whereby a doubt hath arisen, whether the said loan be within the meaning of the faid last mentioned act, which limits the rate of interell to five per centum per annum

And whereas it is expedient that the faid doubt be removed ;

BE it enacted and declared by the Senate and House of Representatives of the United States declared to of America in Congress. That the loan aforefaid be within hall be deemed and construed to be within the meaning of the the true intent and meaning of the faid act, act proviintituled "An aft making provision for the dingfor the reduction of the public debt," and that any of the pubfarther loan, to the extent of the principal fum lie dela, & authorized to be borrowed by the faid act, the loanson the interest whereof shall be five per centum per like terms.

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annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and confined to be within the true intent and meaning of the said act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United
States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,

President of the United States.

## CHAPTER XXVI

An Act making farther Provision for the Collection of the Duties by Law imposed on Tea, and to prolong the Term for the Payment of the Duties on Wines.

WHEREAS it is conceived that the following regulations concerning tea may be conducive both to the accommodation of the importers thereof, and to the fecurity of the revenue;

Section 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the provisions contained in the fortieth and forty-first sections of the act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize imported into

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United States, and on the tonnage of ships reffels," as they regard the payment, or feuring the payment of the duties on teas, it importers all be lawful for every importer of teas; if of teas to eor she shall elect so to do, to give his or her for double and to the collector of the district in which the amount of the faid teas shall be landed, in double tiesthereon e amount of the duties thereupon, with conition for the payment of the faid duties in no years from the date of fuch bond; which and shall be accepted by such collector, witht furety, upon the terms following; that is pay: The teas, for the duties whereof the deposit the id bond shall be accepted, shall be deposited toas in store the expense and risk of the said importer, one or more storehouse or storehouses, as he case may require, to be agreed upon beween the faid importer and the inspector, or ther officer of inspection of the revenue, for he port where the faid teas shall be landed; nd upon every fuch storehouse, the said inpector or officer of inspection shall cause to e affixed two locks, the key of one of which ocks shall be kept by such importer, his or er agent, and the key of the other of which ocks shall be kept by the said inspector, or by such other person as he shall depute and apwint in that behalf; whose duty utend at all reasonable times for the purpose of delivering the faid teas out of the faid storehouse or storehouses. But no delivery shall be made of any of the faid teas without a permit No delivem writing, under the hand of the faid inspector to be made or officer of inspection. And in order to the without obtaining of fuch permit, it shall be necessary that the duties upon the teas, for which the ame shall be required, be first paid, or, at the ption of the party or parties applying for the

no permit fame, fecured to be paid in manner following granted without the that is to fay: The faid party or parties h duties first give bond with one or more furety or fureties paid or fe- the fatisfaction of the faid in spector, in doublet amount of the duties upon the quantity teas in each case to be delivered, with cond tion for the payment of the faid duties, if the fame shall not exceed one hundred dollars four months; or, if the fame shall exceed or hundred dollars, and shall not exceed five hu dred dollars, in eight months; or, if the far shall exceed five hundred dollars, in twel months: Provided always, That the time be allowed for the payment of the duties payment of on any parcel of teas to be delivered, shall a to be ex- be such as to extend the credit for such dut

Time allowed for tended.

beyond the term of two years originally allow ed upon the depositing of the faid teas. Sec. 2. And be it further enacted, That which du the duties on any parcel of teas, which fin ties are not have been deposited as aforesaid, shall not have

paid or fecured to be paid in manner la frecified, within the term of two years, accord ing to the condition of the obligation to b given to the collector of the district, within which the fame shall have been landed, it sta be the duty of the faid collector to cause much of the faid teas, as may be necessary, be fold at public auction, and retaining the fum which shall not have been so paid of to

to be fold cured of the faid duties, together with the ex by collect penfes of fafe keeping and fale of the faid ten by cullerpurpose & shall return the overplus, if any, to the owner overplas or owners thereof, his, her or their agent o the owner. lawful representative.

Sec. 3. And be it further enacted, That th bonds which have been or shall be directed be given, by this or any other act, for monle

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or duties to be paid or performed to the Uni- Donds for ted States, shall be taken in the name of the monies or duties to be United States of America; unless special di- taken in the rection shall have been given to take them in U. States, & ome other name. And the bonds to be taken delivered s aforesaid, by any inspector of the revenue, to collector hall be delivered by him forthwith to the col- with where ector of the district within which the teas, to in they are which they may relate, shall have been landed, well. n order to the collection of the monies therein specified. And the permits which shall have been granted by fuch inspector, for the delivey of any teas, out of any storehouse wherein hey shall have been deposited, shall be received by fuch collector towards fatisfying any bond, which shall have been, in the first instance, taken by the faid collector, touching the faid teas; which permits shall therefore specify the amount of the duties which shall have been paid or secured upon the teas to be delivered in virtue thereof; and the name of the thip or veffel in which they shall have been imported, and of the importer or importers thereof.

Sec. 4. And be it further enacted, That all Teas inteas, which after the first day of April next, ported afhall be imported into the United States from heat to be my foreign port or place, shall be landed un- landed under the care of the inspectors of the revenue der inspecfor the ports where the fame fall be respect spectors; tively landed; and for that purpose every permit which shall be granted by any collect for landing the fame, shall, prior to fuch landing, be produced to the faid inspector, who by an endorsement thereupon under his hand, hall fignify the production thereof to him, and the time when; after which, and not otherwise, it shall be lawful to land the teas mentioned in such permit. And the said in-

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permits given for its landing entered by them and the chefts containing it marked,

and correspondent certificates granted. spector shall make an entry of all such permit and of the contents thereof; and each chell box or package containing any teas; shall be marked by the officer under whose immediatins inspection the same shall be landed, in legible and durable characters, with progressive numbers, and with the name of the vessel in which the same shall have been imported. And the same shall grant a certificate for each such chest, box or package, specifying there the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number there to accompany the same wheresoever it shall be fent.

And whereas, for the payment of the dute accruing on Madeira wines, and which may be secured by bond, the term of twelve month is allowed; and it is proper to extend, in his manner, the payment of the duties accruing on other wines;

Term for payment of the duties on wine prolonged. Sec. 5. Therefore, Be it enacted, That for the payment of the duties on other than Madeira wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months in like manner as by law is directed for the payment of the duties on Madeira wines.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,

President of the United States.

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An Act for granting Lands to the Inhabitants and Settlers at Vincennes and the Illinois Country, in the Territory north-west of the Ohio, and for confirming them in their Poffessions.

E it enacted by the Senate and Sec. I. House of Representatives of the United States of America in Congress affembled, That four hundred acres of land be given to 400 acres each of those persons, who in the year one of land thousand seven hundred and eighty-three, were granted to heads of families at Vincennes or in the Illi- of a family, nois country, on the Missisppi, and who fince and that time have removed from one of the faid places to the other. And the governor of the territory north-west of the Ohio is hereby directed, to cause the same to be laid out for them, at their own expense either at Vincennes or in the Illinois country, as they shall feverally elect.

Sec. 2. And be it further enacted and declard, That the heads of families at Vincennes who have or in the Illinois country in the year one thous removed. fand seven hundred and eighty-three, who af- from faid terwards removed without the limits of the faid territory, are notwithstanding, entitled to the donation of four hundred acres of land made by the resolve of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the governor of the faid territory, upon application to him for that purpose, is hereby directed to cause the fame to be laid out for fuch heads of families or their heirs; and shall also cause to be laid off and confirmed to fuch persons the several

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tracts of land which they may have poffeffed and which before the year one thousand fere hundred and eighty-three may have been allo ted to them according to the laws and ufage of the government under which they had re pectively fettled: Provided nevertheless, The if fuch persons or their heirs do not return an occupy the faid lands within five years, fud lands shall be considered as forfeited to the United States.

if they return within five years.

Lands formerly poffessed by Piankethaw Indians confirmed to prefent possessors.

Sec. 3. And be it further enacted, That on hundred and fifty acres of land, heretofore possession of the Piankeshaw Indians, and no under actual improvement, and constituting part of the village of Vincennes, be given to the persons who are severally in possession of the faid land.

Improvers of lands elaiming under a **fuppofed** grant, to have their. claims confirmed.

Sec. 4. And be it further enacted, That where lands have been actually improve and cultivated at Vincennes, or in the Illinoi country, under a supposed grant of the same by any commandant or court claiming authority to make fuch grant, the governor of the faid territory be, and he hereby is empowered to confirm to the persons who made such improvements, their heirs or affigns, the lands supposed to have been granted as aforesaid, or fuch parts thereof as he, in his discretion, may judge reasonable, not exceeding to any one perfon, four hundred acres.

Landshere. as a common to b: appropriated thereto.

Sec. 5. And be it further enacted, That a tofore used tract of land, containing about five thousand four hundred acres, which for many years has been fenced and used by the inhabitants of Vincennes as a common, also a tract of land including the villages of Cohos and Prairie du Pont, and heretofore used by the inhabitants

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the faid villages as a common, be, and the me are hereby appropriated to the use of the habitants of Vincennes and of the faid vilges respectively, to be used by them as a comon, until otherwise disposed of by law.

Sec. 6. And be it further enacted, That the overnor of the faid territory be authorized to Militiamen ake a grant of land not exceeding one hun- who have not obtainredacres, to each person who hath not obtain- ed any dodany donation of land from the United States, hard, to rend who, on the first day of August, one thou- ceive 100 and seven hundred and ninety, was enrolled the militia at Vincennes or in the Illinois ountry, and has done militia duty, the faid and to be laid out at the expense of the granes, and in fuch form and place as the faid overnor shall direct. Provided nevertheless, Appropria-That no claim founded upon purchase or other- tion of a rife, shall be admitted within a tract of land Kaskaskia eretofore occupied by the Kaskaskia nation Indiana. of Indians, and including their village, which shereby appropriated to the use of the said Indians.

Sec. 7. And be it further enacted, That two Grant of to ots of land heretofore in the occupation of P. Gibault the priests at Cahokia, and situated near that & St. Jam. rillage, be, and the fame is hereby granted in fee to P. Gibault; and that a tract of land at Kafkafkia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beouvais, who claims the fame in virtue of a purchase thereof.

Sec. 8. And be it further enacted, That fo Donation lands to be much of the act of Congress of the twenty- laid out aceighth of August, one thousand seven hundred cording to act of consand eighty-eight, as refers to the locations of gress of certain tracts of land directed to be run out June 20th

and referved for donations, to the ancient ters in the Illinois country, be, and the fair is hereby repealed, and the governor of the faid territory is directed to lay out the fair agreeably to the act of Congress of the two tieth of June, one thousand seven hundred a eighty-eight.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the Unite States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,

President of the United States.

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#### CHAPTER XXVIII.

An Act for raising and adding another Regiment to the Military Establishment of the United States, and for making farther Provision for the Protection of the Frontiers.

(REPEALED.)

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WHEREAS Congress did, by a resolution of the twenty-third day of September, one thousand seven hundred and eighty-nine, recommend to the several states to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States; in order therefore to ensure the administration of justice,

Refolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any state shall not have complied with the said recommendation, the marshal in such state, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the treasury of the United States.

## FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,

President of the United States.

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Passed at the first Session

# FIRST CONGRESS OFTHE

# United States of America,

Begun and held at the City of New-York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine:

AND OF THE Independence of the United States, THE THIRTEENTH.

#### CHAPTER IV.

An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

Section 1. D E it enacted by the Senate and Secretary House of Representatives of the of foreign affairs, his United States of America, in Congress assembled, duty. That there shall be an executive department, to be denominated the department of foreign affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute fuch duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agree-

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able to the constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negociations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States shall assign to the said department: And surthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Principal clerk, his duty. Sec. 2. And be it further enacted, That there shall be in the said department, an inferior of ficer, to be appointed by the said principal of ficer, and to be employed therein as he shall deem proper, and to be called the chief clerk in the department of foreign affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and paper appertaining to the said department.

Sec. 3. And be it further enacted, That the faid principal officer, and every other person to be appointed or employed in the faid department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute

the trust committed to him.

Scerclary to take charge of papers, &c. of foreign department.

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otlice.

Sec. 4. And be it further enacted, That the Secretary for the department of foreign affairs, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all

records, books and papers in the office of Secretary for the department of foreign affairs, heretofore established by the United States in Congress assembled.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, July twenty-leven, 1789: 01 estare besind

GEORGE WASHINGTON,

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JOHN ADAMS, Vice Profiter of the Control

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AFFRONT STREET INC. COLUMN C. P.O.

Resolved by the Senate and House of Representatives of the United States of America in Congress of the several states to pass laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such states respectively; the United States to pay for the use and keeping of such gaols, at the rate of sifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoners shall be therein consined; and also to support such of said prisoner as shall be committed for offences.

FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, September the 23d, 1789:

GEORGE WASHINGTON,
President of the United States.

RESOLVED, That it shall be the duty of the Se cretary of State, to procure from time to time such of the statutes of the several states as may no be in his office.

FREDERICK AUGUSTUS MUHLENBERG Speaker of the House of Representatives. JOHN ADAMS, Vice-President of the Unite States, and President of the Senate.

APPROVED, September the 23d, 1789:

GEORGE WASHINGTON,

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## TREATY OF ALLIANCE

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## TREATY OF ALLIANCE

BETWEEN THE

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## TREATY OF ALLIANCE

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THE Most Christian King and the United States of North-America; to wit: New-Hampshire, Massachusetts-bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennfylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, having this day concluded a treaty of Amity and Commerce, for the reciprocal advantage of their fubjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the fafety and tranquility of the two parties; particularly in case Great-Britain in refentment of that connection and of the good correspondence which is the object of the faid treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subfisting between the two erowns: And his Majesty and the faid United

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# Etats Unis d'Amerique

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## TRAITE D'ALLIANCE

eventuelle et défensive.

E Roi très Chrêtien et les Etats Unis de l'Amerique Septentrionale, favoir, New-Hampshire, la Baye de Massachusset, Rhode-Mand, Connecticut, New-York, New-Jerley, Pensylvanie, Delaware, Maryland, Virginie, Caroline Séptentrionale, Caroline Meridiomale, et Georgia; ayant conclu ce jourd'huy un traité d'amitié, de bonne intelligence et de tommerce, pour l'avantage réciproque de leurs fujets et citoyens, ils ont cru devoir prendre m confidération, les moyens de resserrer leurs liaisons, et de les rendre utiles à la sureté et à la tranquilité des deux parties, notament dans le cas où la Grande Brétagne, en haine de ces mêmes ligisons et de la bonne correspondance qui forment l'objet du dit traité, se porteroit à rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant on commerce, et sa navigation, d'une manière contraire au droit des gens et à la paix subfiltante entre les deux couronnes: Et sa Ma-

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States, having resolved in that case to lo their councils and efforts against the enterpris of their common enemy, the respective pleni potentiaries impowered to concert the clause and conditions proper to fulfil the faid intentions, have, after the most mature deliberation. concluded and determined on the following articles:

## ARTICLE L

If war break out with Great-Bri a common cause.

If war should break out between France and Great-Britain during the continuance of tain, to be the prefent war between the United States and England, his Majesty and the said United States shall make it a common cause and aid each other mutually with their good office, their counfels and their forces, according to the exigence of conjunctures, as becomes go and faithful allies.

## ARTICLE H.

Object of the treaty, independenceofthe U. States.

The effential and direct end of the present defensive alliance is to maintain effectually the liberty, fovereignty and independence ab folute and unlimited, of the faid United States, as well in matters of government as of commerce.

### ARTICLE III.

Both parevery effort to attain that end.

The two contracting parties shall each of ties to make its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to tain the end proposed.

jesté et les dits Etats Unis ayant résolu évenmellement d'unir, dans le cas prévû, leurs conseils et leurs esserts contre les entreprises de leur ennemi commun, les plénipoténtiaires respectifs, charges de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mure délibération conclu et arrêté les points et articles qui s'ensuivent.

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# ARTICLE PREMIER.

Si la guerre éclate entre la France et la Grande Brétagne, pendant la durée de la guerre actuelle entre les États Unis et l'Angleterre, sa Majesté et les dits États Unis se tont cause commune et s'éntr'aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsy qu'il convient à de bons et sideles alliés.

## ARTICLE SECOND.

Abbrehalf to think of

Le but essentiel et direct de la présente alliance désensive, est de maintenir essicacement la liberté, la souveraineté, et l'indépendance absolué et illimitée des dits États Unis, tant en matière politique que de commerce.

### ARTICLE TROIS.

Les deux parties contractantes feront chaeune de leur côté, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui feront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles se proposent.

Vol. I. A 3

## ARTICLE IV.

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Concurrence in enterprize.

The contracting parties agree that in cale either of them should form any particular enterprize in which the concurrence of the other may be defired, the party whole concurrence is defired, shall readily and with good faith, join to act in concert for that purpofe, as far as circumstances and its own particular fitus. tion will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of fuccour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

## ARTICLE V.

Conquells that shall belong to States.

If the United States should think hit to at tempt the reduction of the British power, rethe United maining in the northern parts of America, or the islands of Bermudas, those countries or islands in case of success, shall be confederated with, or dependant upon the faid United States.

### ARTICLE VE

France relinquishes certain countries if

The Most Christian King renounces for ever all claim to the possession of the islands of Bermudas, as well as of any part of the continent of North conquered. America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great-Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the king and crown of Great-Britain.

## ARTICLE QUATRE.

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Les parties contractantes sont convenues que dans le cas où l'une d'entre elles formeroit quelqu' entreprise particulière, pour laquelle desireroit le concours de l'autre, celle-ci, se prêteroit de bonne soi à un concert sur cet objet, autant que les circonstances et sa propre situation pourront le lui permettre, et dans ce cas, on réglera, par une convention particulière, la portée des secours à sournis, et le tems et la manière de le faire agir, ainsy que les avantages destinés à en sormer la compensation.

# ARTICLE CINQ.

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Si les Etats Unis jugent à propos de tenter la reduction des isles Bermudes et des parties septentrionales de l'Amerique, qui sont encore au pouvoir de la Grande Brétagne, les dites isles et contrées, en cas de succès, entreront dans la confedération ou seront dependantes des dits Etats Unis.

## ARTICLE SIX.

Le Roi très Chrêtien renonce à posseder jamais les Bermudes, ni aucune des parties du continent de l'Amérique septentrionale, qui, avant le traité de Paris de mil sept cent soixante trois, ou en vertu de ce traité, ont été reconnues appartenir à la couronne de la Grande Bretagne, ou aux Etats Unis, qu'on appelloit didevant colonies Britanniques, ou qui sont maintenant, ou ont été récemment sous la wissolition et sous le pouvoir de la couronne de la Grande Brétagne.

#### ARTICLE VII.

Conquells that thall belong to France.

If his Most Christian Majesty shall think proper to attack any of the islands fituated the Gulph of Mexico, or hear that Gulph which are at prefent under the power of Great Britain, all the faid iffet, in case of success shall appertain to the crown of France,

## ARTICLE VIII.

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Neither party to conclude out the ofent, nor lay down

Neither of the two parties shall conclude either truce or peace, with Great-Britain treaty with- without the formal consent of the other for ther's con obtained; and they mutually engage not to lay down their arms until the independence of arms till in the United States shall have been formally or dependence tacitly affured, by the treaty or treaties that be secured. shall terminate the war.

## ARTICLE IX.

compenfation after the war.

No claim of The contracting parties declare, that being refolved to fulfil each on its own part, the clauses and conditions of the present treat of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whateyer may be the event of the war.

## ARTICLE X.

To admit other powers to acalliance.

The Most Christian King and the United States agree, to invite or admit other powers sede to the who may have received injuries from England, to make common cause with them, and to accede to the prefent alliance, under fuch conditions as shall be freely agreed to, and fettled between all the parties.

### ARTICLE SEPT.

Si sa Majesté très Chrêtienne juge à propos s'attaquer aucune des isses situées dans le solphe de Mexique ou près du dit golphe, qui sont actuellement au pouvoir de la Grande Brétagne, toutes les dites isses, en cas de succès, appartiendront à la couronne de France.

#### ARTICLE HUIT.

Aucune des deux parties ne pourra conclurre nitréve ni paix avec la Grande Brétagne, sans le consentement préalable et formel de l'autre partie, et elles s'engagent mutuellement à ne mettre bas les armes, que lorsque l'indépendance des dits Etats Unis aura été assurée formellement ou tacitement par le traité ou les traités qui termineront la guerre.

#### ARTICLE NEUP.

he had been a military

Les parties contractantes déclarent, qu'étant resoluës de remplir chacune de son côté les clauses et conditions du présent traité d'alliance selon son pouvoir et les circonstances, elles n'auront aucune repetition, ni aucun dédommagement, à se demander réciproquement, quelque puisse être l'evénement de la guerre.

## ARTICLE DIX.

Le Roi trés Chrêtien et les Etats Unis sont convenus d'inviter de concert ou d'admettre les puissances, qui auront des griefs contre l'Angleterre, à faire cause commune avec eux, et à accéder à la présente alliance, sous les conditions qui seront librement agrées et convenuës entre toutes les parties.

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## ARTICLE XI.

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Mutual

The two parties guaranty mutually from the present time, and for ever against all other powers, to wit: The United States to his Most Christian Majesty, the present possession of the crown of France in America, as well as those which it may acquire by the future trety of peace: And his Most Christian Majelly guaranties on his part to the United States their liberty, fovereignty and independence absolute and unlimited, as well in matters of government as commerce, and also their polfessions, and the additions or conquests, that their confederation may obtain during the war, from any of the dominions now, or here tofore possessed by Great-Britain in North-America, conformable to the 5th and 6th articles above written, the whole as their possesfion shall be fixed and affured to the faid states, at the moment of the ceffation of their prefent war with England. ing independent of the second second

# ARTICLE XII.

Guaranty when to commence. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, thall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war, between the United States and England, shall have ascertained their possessions.

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## ARTICLE ONZE.

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Les deux parties fe garantiffent mutuellement dès à present et pour toujours envers et contre tous, favoir, les Etats Unis à fa Majeste très Chrêtienne les possessions actuelles de la couronne de France en Amérique, ainsy que telles qu'elle pourra acquerir par le futur traité de paix ; Et la Majeste très Chrétienne, grantit de son côté aux Etats Unis leur liberté, leur fouveraineté et leur indépendance absolué et illimitée, tant en matière de politique que de commerce, ainfy que leurs possessions et les accroissements ou conquêtes que leur confédeanon pourra se procurer pendant la guerre, l'aucun des domaines maintenant où ci-devant possedés par la Grande Brétagne dans l'Ameique septentrionale, comformément aux artides cinq et fix ci-deffus, et tout ainfy que leurs possessions feront fixées et affurées aux dits Etats, au moment de la ceffation de leur guerre actuelle contre l'Angleterre.

## ARTICLE DOUZE.

Afin de fixer plus précisément le sens et l'application de l'article précédent, les parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque enoncée dans le sussition au la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment sussition, où la cessation de la guerre actuelle entre les Etats Unis et l'Angleterre, aura sixé leurs possessions.

#### ARTICLE XIII

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Ratifica-

The present treaty shall be ratified on bot sides, and the ratifications shall be exchange in the space of six months, or sooner if post ble.

In faith whereof the respective plenipoten tiaries, to wit : On the part of the Most Chri tian king, Conrad Alexander Gerard, Ren Syndic of the city of Strasbourgh, and Secu cretary of his Majesty's Council of State : a on the part of the United States, Benjam Franklin, Deputy to the General Congre from the state of Pennsylvania and President of the Convention of the fame state; Sit Deane, heretofore Deputy from the flate Connecticut, and Arthur Lee, Counfeller Law, have figned the above articles both in the French and English languages, declaring a vertheless, that the present treaty was origin ly composed and concluded in the French b guage, and they have hereunto affixed the feals.

Done at Paris, this fixth day of Februar, one thousand sewen hundred and sevent, eight.

C. A. GERARD,	(L. s.)
B. FRANKLIN,	(L. S.)
SILAS DEANE,	(L. S.)
ADDITIO TEE	11

#### ARTICLE TREIZE.

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L. 8.) L. 8.) L. 8.) Le present traité sera ratissée de part et d'autre et les ratissications seront échangées dans l'espace de six mois ou plustôt si faire se peut.

En foi dequoi les plénipotentiaires refpectifs, lavoir, de la part du Roi très Chrêtien le Sr-Conrad, Alexandre Gerard, Sindic Royal de la Ville de Strasbourg et Sécrétaire du Conseil d'Etat de sa Majesté, et de la part des Etats Unis les Srs. Benjamin Franklin, Deputé au Congrès Général de la part de l'etat de Pensvivanie et President de la Convention du même etat; Siles Deane cy-devant Député de l'etat de Connecticut, et Arthur Lee Conseiller ès Loix, ont figné les articles ci-dessus, tant en langue Françoise qu'en langue Angloife, déclarant néanmoins, que le present traité, à été originairement redigé et arrêté en langue Françoise, et ils les ont munis du tachet de leurs armes.

Fait à Paris, le sixieme jour du mois de Fevrier, mil sept cent soixante dixbuit.

B. FRANKLIN, (L. s.) SILAS DEANE, (L. s.)	C. A. GERARD,	(L. S.)
***   \$4.00.00   \$2.00	B. FRANKLIN,	(L. s.)
ADTUID ITE	SILAS DEANE,	(L. S.)
ARTHUR LEE, (E. S.)	ARTHUR LEE,	(L. 8.)

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Professor Managor (Society) Book Caladia I no gradino as adatas co

Vol. I.

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## TREATY

## OF AMITY AND COMMERCE

BETWEEN THE

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## United States of America

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HIS MOST CHRISTIAN MAJESTY.

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#### ORIGINAL.

TREATY of AMITY and COMMERCE THE Most Christian King, and the this to wit: New-Hampshire, Massachusetts Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties defire to eltablish, between their respective countries, states and subjects, his Most Christian Majely and the faid United States, have judged that the faid end could not be better obtained than by taking for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving al-

# D'AMITIÉ ET DE COMMERCE

ENTRE LES

Etats Unis d'Amérique

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SA MAJESTÉ TRÈS CHRETIÊNNE.

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TRAFTÉ D'AMITIÉ et de COMMERCE. I E Roi très Chrêtien et les treize Etats Unis de l'Amérique Séptentrionale, favoir, New-Hampshire, la Baye de Maffachufset, Rhode-Island, Connecticut, New-York, New-lerfey, Penfylvanie, les comtés de Newcastle, de Kent et de Sussex sur la Delaware, Maryland, Virginie, Caroline, Séptentrionale, Caroline Méridionale, et Georgie, voulant établir d'une manière équitable et permanente les régles qui devront être suivies relativement à la correspondance et au commerce que les deux parties désirent d'établir entre leurs Pais Etats et sujets respectifs, sa Majesté très Chrêtienne et les dits Etats Unis ont jugé ne pouvoir mieux atteindre à ce but qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarras, et de mecontentemens,

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To each party at liberty to make, respecting commerce and navigation, those interior regu lations which it shall find most convenient to itself; and by founding the advantage of com. merce folely upon reciprocal utility, and the just rules of free intercourse; referving withat to each party the liberty of admitting at is pleasure, other nations to a participation of the fame advantages. It is in the fpirit of this intention, and to fulfil thefe views, that his faid Majesty having named and appointed for his plenipotentiary, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourgh, Secretary of his Majesty's Council of State; and the United States on their part, having fully empowered Benjamin Franklin, Deputy from the state of Pennsylvania to the General Congress, and President of the Convention of faid Mate; Silas Deane, late Deputy from the flate of Connecticut to the faid Congress, and Arthur Lee, Counsellor at Law; the faid respective plenipotentiaries after exchanging the powers, and after mature deliberation, have concluded and agreed upon the following aticles. of all tur xolors on to

### ansluty of ARTICLE I.

Standing Screening all the second

friendship

Peace and There shall be a firm, inviolable and univerbetween the fal peace, and a true and fincere friendship betwo nations tween the Most Christian King, his heirs and fuccessors, and the United States of America; and the subjects of the Most Christian King and of the faid States; and between the countries, iflands, cities and towns, fituate under the jurisdiction of the Most Christian King and of the faid United States, and the people and inhabitants of every degree, without exception of persons or places; and the terms herein afHing

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de hisser à chaque partie la liberté de faire, relativement au commerce et à la navigation les réglémens intérieurs qui seront à fa convenance, de ne fonder les avantages du commerce que fur son utilité reciproque et sur les loix d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun felon fon gré, les autres nations, aux mêmes avantages. C'est dans cet esprit et pour remplir ces vues que sa dite Majesté avant nommé et constitué pour son plenipotentiaire le Sieur Conrad Alexandre Gerard, Sindic Roïal de la ville de Strasbourg, Secretaire du Conseil d'Etat de sa Majesté, et les Etats Unis aiant, de leur côté, munis de leurs pleins pouvoirs les Sieurs Benjamin Franklin, Député au Congrés Général de la part de l'Etat de Pensylvanie, et Président de la Convention du dite Etat, Silas Deane ci-devant Député de l'Etat de Connecticut, et Arthur Lee, Conseiller ès Loix, les dits plénipotentiaires respectifs après l'échange de leurs pouvoirs et après mure délibération ont conclu et arrêté les points et articles fuivans.

## ARTICLE I.

Il y aura une paix ferme, inviolable et universelle et une amitié vraie et sincére entre Le Roi très Chrêtien ses héritiers et successeurs, et entre les Etats Unis de l'Amérique ainsi qu'entre les sujets de sa Majesté très Chrêtienne et ceux des dits Etats, comme aussi entre les peuples, isles, villes et places situès sous la junisdiction du Roi très Chrêtien et des dits Etats Unis, et entre leurs peuples et habitans de toutes les classes, sans aucune exception de personnes et de lieux; les conditions men-

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ter mentioned shall be perpetual between the Most Christian King, his heirs and successor and the faid United States.

### ARTICLE II.

Neither party to grant favors to other nations, that shall not the other party.

The Most Christian King and the United States, engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not in mediately become common to the other party. common to who shall enjoy the same favour, freely, if the concession was freely made, or on allowing the fame compensation, if the concession was conditional.

## ARTICLE III.

France enfame privileges in States, as the most tion.

Subjects of The fubjects of the Most Christian King the King of shall pay in the ports, havens, roads, courtitled to the tries, islands, cities, or towns, of the United States, or any of them, no other, or greater the United duties, or imposts, of what nature soever the may be, or by what name foever called, than favored na- throse which the nations most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the faid flates to another, or in going to and from the fame, from and to any part of the world, which the faid nations do or shall enjoy.

#### ARTICLE IV.

The subjects, people and inhabitants of the faid United States, and each of them, hall not pay in the ports, havens, roads, illes, cities and places under the demination of his Mol

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sonnées au present traité seront perpetuelles et permanentes entre Le Roi très Chrêtien, ses héritiers et successeurs, et les dits Etats Unis.

#### ARTICLE II.

Le Roi très Chrétien et les Etats Unis l'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne sufitôt commune à l'autre partie, et celle-ci jouira de cette faveur gratuitement, fi la concession est gratuite, ou en accordant la même compensation, si la concession est conditionelle.

### ARTICLE III.

Les sujets du Roi très Chrétien ne paieront dans les ports, havres, rades, contrées, isses, citès et lieux des Etats Unis ou d'auetra d'entr'eux, d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent être, it quelque nom qu'ils puissent avoir que ceux que les nations les plus favorisées sont, ou feront tenues de paier; Et ils jouiront de tous les droits, libertés, privilegés, immunités et exemtions en fait de négoce, navigation et commerce, soit en passant d'un port des dits Etats à un autre; soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les dites nations jouissent ou jouiront.

## ARTICLE IV.

Les sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux ne paieront dans les ports, havres, rades, isses, villes et places de la domination de sa Majestéures Chrétienne en The citizens of the United States, entitled to the fame privileges in the dominions of France, as the most tion.

Christian Majesty, in Europe, any other, greater duties or imposts, of what nature for ver they may be, or by what name foever called, than those which the most favoured me tions are or shall be obliged to pay; and ther shall enjoy all the rights, liberties, privilege, immunities, and exemptions in trade, navigafavored na- tion and commerce, whether in passing from one port in the faid dominions, in Europe, to another, or in going to and from the fame, from and to any part of the world, which the faid nations do or shall enjoy.

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#### ARTICLE V.

particular exemption.

In the above exemption is particularly comprised, the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandize of France for and ther port of the same dominion, in which cale the faid ships shall pay the duty above mentioned fo long as other nations the most favoured shall be obliged to pay it. But it is under stood that the faid United States, or any of them, are at liberty when they shall judge it proper, to establish a duty equivalent in the fame cafe.

## ARTICLE VI.

The Most Christian King shall endeavour by all the means in his power to protect and defend all veffels and the effects belonging to the fubjects, people or inhabitants of the faid United States, or any of them, being in his ports, havens, or roads, or on the feas near to his countries, islands, cities or towns, and to r, of

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Lurope d'autres ni plus grands droits ou impôts de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les nanons les plus favorisées sont, ou seront tenuës de paier, et ils jouiront de tous les droits, libertés, privilèges, immunites et exemtions en sait de negoce, navigation et commerce soit en passant d'un port à un autre des dits Etats du Roi très Chrêtien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront.

## ARTICLE V.

Dans l'exemtion ci-dessus est nommément tomprise l'imposition de cent sous par tonneau établie en France sur les navires étrangers, si ce n'est lorsque les navires des Etats Unis chargeront des marchandises de France, dans un port de France, pour un autre port de la même domination, auquel cas les dits navires des dits Etats Unis acquitteront le droit dont I s'agit aussi long tems que les autres nations les plus favorifées feront obligées de l'acquitter. Bien entendu qu'il sera libre aux dits Etats Unis, ou à aucun d'iceux d'établir, quand ils le lugeront àpropos, un droit equivalent à celui dont il est question pour le même cas pour lequel il est établi dans les ports de sa Majesté très Chrétienne.

#### ARTICLE VI.

Le Roi très Chrêtien fera usage de tous les moiens qui sont en son pouvoir, pour protéger et desendre tous les vaisseaux et essets appartenants, aux sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux qui seront dans ses ports, havres, ou rades, ou dans les mers près de ses pays; contrées, isses, villes et

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France to proted veffels of the Citizens of the United States in their jurifdiction, to reflore them when captured. and to convoy veffels in certain cafes.

recover and restore to the right owners, their agent or attornies, all fuch veffels and effect which shall be taken within his jurisdiction and the ships of war of his Most Christian Me jesty, or any convoy failing under his author ty, shall upon all occasions take under their protection, all vessels belonging to the subjects people or inhabitants of the faid United State or any of them, and holding the fame course or going the same way, and shall defend sud veffels as long as they hold the fame course, or go the fame way, against all attacks, force and violence, in the fame manner as they ought to protect and defend the veffels belonging to the Subjects of the Most Christian King. 2015(1) EXCESSO

## ARTICLE VIL

United the fame.

In like manner the faid United States and ther States to do ships of war, failing under their authority, ha protect and defend, conformable to the tent of the preceding article, all the veffels a effects belonging to the subjects of the Mo Christian King, and use all their endeavour to recover, and cause to be restored, the ful vessels and effects that shall have been take within the jurisdiction of the said United States or any of them.

## ARTICLE VIII.

King of States to Barbary powers.

The Most Christian King will employ in France to good offices and interpolition with the Ki or Emperor of Morocco or Fez, the regend make treaties with the of Algier, Tunis, and Tripoli, or with any them; and also with every other Prince State or Power, of the coal of Barbary, Africa, and the subjects of the faid King, L

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places, et fera tous fes efforts pour recouvrer et faire, restituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaisseaux d'effets qui leur feront pris dans l'étendue de fa jurisdiction : Et les vaisseaux de guerre de Majeste tres Chrêtienne ou les convois quelconques faifant voile fous fon autorité. prendront, en toute occasion, sous leur protection tous les vaisseaux appartenants aux sujets, peuples et habitans des dits Etats Unis ou l'aucun d'iceux, les quels tiendront le même cours, et feront la même route, et ils défendront es dits vaisseaux aussi long-tems qu'ils tiendront e même cours et fuivront la même route, conre toute attaque force ou violence de la même manière qu'ils font tenus de défendre et de protéger les vaisseaux appartenans aux sujets de sa Majesté très Chrêtienne.

#### ARTICLE VII.

Pareillement les dits Etats Unis et leurs niffeaux de guerre faisant voile sous leur autonifeaux de guerre faisant voile sous leur autonité protégeront et désendront conformément in contenu de l'article précédent, tous les saisseaux et effets appartenants aux sujets du Roi très Chrêtien, et seront tous leurs efforts pour recouvrer et faire restituer les dits vaisseaux et effets qui auront été pris dans l'étendue de la jurisdiction des dits Etats et de chacun d'iceux.

## ARTICLE VIII.

Le Roi très Chrêtien emploiera ses bons offices et son entremise auprès des Roi ou Empereur de Maroc ou Fez, des Régences d'Alger, suis et Tripoli, ou auprès d'aucune d'entrelles ainsi qu' auprès de tout autre Prince, Etat, de Puissance des côtes de Barbarie en Affrique et des sujets des dits Roi, Empereur, Etats et

peror, States and Powers, and each of them in order to provide as fully and efficaciously possible for the benefit, conveniency and fafer of the faid United States, and each of them their subjects, people and inhabitants, and their vessels and effects against all violence, infult attacks, or depredations, on the part of the faid Princes, and States of Barbary, or their fubjects. on several law and and the

## ARTICLE IX.

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Subjects of each party shall not fish in the dominions

The fubjects, inhabitants, merchants, commanders of ships, masters and mariners of the states, provinces and dominions of each party of the other. respectively shall abstain and forbear to fish in all places possessed, or which shall be possessed by the other party; the Most Christian King's fubjects shall not fish in the havens, bays, creeks, roads, coasts or places, which the faid United States hold, or shall hereafter hold, and in like manner the subjects, people and inhabitants of the faid United States, shall not fish in the havens, bays, creeks, roads, coasts or place, which the Most Christian King possesses, or fhall hereafter poffess; and if any thip or vel fel shall be found fishing contrary to the tenor of this treaty, the faid ship or vessel, with it lading, proof being made thereof, shall be confiscated; it is however understood that the clusion stipulated in the present article, shall take place only fo long, and fo far as the Mo Christian King, or the United States, shall no in this respect have granted an exemption fome other nation.

## ARTICLE X

The United States, their citizens and I habitants shall never disturb the subjects of

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Puissances et de chacun d'iceux à l'effet de pourvoir aussi pleinement et aussi essicacement qu'il sera possible à l'avantage commodité et suré des dits Etats Unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans leurs vaisseaux et essets contre toute violence, insulte, attaque ou déprédations de la part des dits Princes et Etats Barbaresques ou de leurs sujets.

#### ARTICLE IX.

Les fujets, habitans, marchands, commandans des navires, maitres et gens de mer, des etats, provinces et domaines des deux parties, s'abstiendront et éviteront réciproquement de pêcher dans toutes les places possédées, ou qui seront possédées par l'autre partie. Les sujets de sa Majesté très Chrêtienne ne pechéront pas dans les havres, bayes, criques, rades, côtes et places que les dits Etats Unis, possédent ou posséderent à l'avenir; et de la même manière les fujets, peuples et habitans des dits Etats Unis ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que la Majesté très Chrétienne posséde actuellement ou possédera à l'avenir, et si quelque navire ou bâtiment étoit surpris pêchant en violation du present traité, le dit navire ou bâtiment et sa cargaison seront confisqués après que la preuve en aura été faite duement. Bien entendu que l'exclusion stipulée dans le présent article n'aura lieu qu'autant, et si long tems que le Roi et les Etats Unis n'auront point accordé à cet égard d'exception à quelque nation que ce puisse être.

## ARTICLE X.

Les Etats Unis, leurs citoiens et habitans ne troubleront jamais les sujets du Roi très Chrê-

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Citizens of U. States shall not jects of France in their right of fifthing on banks of land.

Most Christian King in the enjoyment and en ercise of the right of fishing on the banks of diffurb fub. Newfoundland, nor in the indefinite and ex clusive right which belongs to them on the part of the coast of that island which is defien. ed by the treaty of Utrecht, nor in the right Newfound, relative to all, and each of the ifles which be long to his Most Christian Majesty, the whole conformable to the true sense of the treater of Utrecht and Paris.

#### \*ARTICLE XI.

The subjects and inhabitants of the file United States, or any one of them, shall not be reputed aubains in France, and confequently fhall be exempted from the droit d'aubaine. or other fimilar duty under what name foever. They may by testament, donation, or other-

The two following Articles were originally agreed to, but afterwards rescinded; to wit:

### ARTICLE XI.

It is agreed and concluded that there shall never be any duty imposed on the exportation of the molasses that may be taken by the subjects of any of the United States, from the islands of America which belong, or may hereafter appertain to his Most Christian Majesty.

ARTICLE XIL

In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandize which the subjects of his Most Christian Majesty may take from the countries and possessions, present or future, of any of the Thirteen United States, for the ufe of the islands which shall furnish melasses.

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tien dans la jouissance et exercise du droit de pêche sur les bancs de Terre neuve, non plus que dans la jouissance indéfinie et exclusive qui leur appartient sur la partie des côtes de cette isle, designée dans le traité d'Utrecht, ni dans les droits rélatifs à toutes et chacune des isles qui apartiennent à sa Majesté très Chrêtienne; le tout conformément au véritable sens des traités d'Utrecht et de Paris.

#### \* ARTICLE XI.

Les sujets et habitans des dits Etats Unis ou de l'un d'eux ne seront point réputés aubains en France, et conséquemment seront exemts du droit d'aubaine ou autre droit semblable quelque nom qu'il puisse avoir; pourront disposer par testament, donation, ou autrement

Les deux articles suivans avaient été originairement convenus, mais ils ont été depuis révoqués; savoir:

ARTICLE XI.

Il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation des melasses qui pourront être tirées par les sujets d'aucun des Etats Unis des sísses d'Amérique qui appartiennent ou pourront appartenir à sa Majesté trés Chrétienne.

## ARTICLE XII.

En compensation de l'exemtion stipulée par l'article précédent, il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucuns espèce de denrées et marchandises que les sujets de sa Majesté très Chrétiems pourront tirer des pays ou possessions actuelles ou sutres d'aucun des Treize Etats Unis pour l'usage des isses qui fournissent les melasses.

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Citizens of U. States exempted from droit a aubaine, & may dispose of their eftate.

wife, dispose of their goods, moveable and immoveable, in favor of such persons as to then shall seem good, and their heirs, subjects of the said United States, residing whether in Franco or elsewhere, may succeed them ab intestal, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogative of pro-

Act of France rescinding the foregoing article.

#### TRANSLATION.

The General Congress of the United States of North America, having represented to the King that the execution of the eleventh article of the treaty of Amity and Commerce, figned the fixth of February last, might be productive of inconveniences; and having therefore defired the suppression of this article, consenting in return that the twelfth article shall likewife be considered of m effect: His Majesty in order to give a new prof of his affection, as also of his desire to consolidate the union and good correspondence established between the two States, has been pleaf Jequenttheir representations: His Majesty ! ly declared, and does declare by these presents that he confents to the suppression of the eleventh and twelfth aforementioned articles, and that bis intention is, that they be considered as having we ver been comprehended in the treaty figned the fixth of February laft.

Done at Verfailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

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de leurs biens meubles et immeubles en faveur de telles personnes que bon leur semblera; et leurs héritiers, sujets des dits Etats Unis, residans soit en France soit ailleurs, pourront leur succéder ab intestat, sans qu'ils aient besoin d'obtenir des lettres de naturalité, et sans que l'este de cette concession leur puisse être contesté ou empêché sous pretexte de quelques droits ou prérogatives des provinces villes ou

Acte de la France révoquant les articles précédens.

#### ORIGINAL.

Le Congrés Général des Etats Unis de l'Améique Septentrionale ayant representé au Roi que l'exécution de l'article onne du traité d'Amitié et de Commerce, figné le six du mois de Février dernier, pourroit entrainer des inconvénients aprés si, et ayant desiré en consequence que cet article emeurât supprimé; confentant en echange que article douze soit également regardé comme non wenu, sa Majesté, pour donner aux Etats Unis l'Amérique Septentrionale une nouvelle preuve s son affection, ainsi que de son desir de consoider l'union et la bonne correspondance établies mire les deux Etats, à bien voulu avoir égard à eurs représentations; En conséquence sa Majesté déclaré et déclare par les présentes, qu'elle conent à la su pression des articles onze et douze Imentionnés, et que son intention est, qu'ils soient rgardés comme n'ayant jamais été compris dans traité signé le six Février dernier.

FAIT à Versailles le premier jour du mois de Septembre mil sept cent soixante et dix buit.

GRAVIER DE VERGENNES.

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vinces, cities, or private persons; and the heirs, whether fuch by particular title, or intestat, shall be exempt from all duty call droit de detraction, or other duty of the fa kind, faving nevertheless the local rights duties as much, and as long as fimilar on Subjects of are not established by the United States, any of them. The fubjects of the Most Char tian King shall enjoy on their part in all & dominions of the faid States, an entire a perfect reciprocity relative to the stipulation contained in the prefent article, but it is at the

Erance have fimilar privi-

> Act of the United States rescinding the for going articles.

> > ORIGINAL.

#### DECLARATION.

The most Christian King having been please to regard the representations made to him by t General Congress of North America, relative the eleventh article of the treaty of commerce, fig. ed the fixth of February in the present year; a bis majesty baving therefore consented that thesa article should be suppressed, on condition that it twelfth article of the same treaty be equally to garded as of none effect; the General Congr bath declared, and do declare on their part, the they consent to the suppression of the eleven and twelfth articles of the above mentioned treat and that their intention is, that these articles regarded as having never been comprized in the treaty signed the fixth of February. In faith whereof, &c.

> B. FRANKLIN, ARTHUR LEE, JOHN ADAMS.

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oit à titre particulier soit ab intestat exemts de out droit de detraction ou autre droit de ce enre; sauf néanmoins les droits locaux tant, it si long tems, qu'il n'en sera point établi de areils par les dits Etats Unis ou aucun d'iceux. Les sujets du Roi très Chrêtien jouiront de eur côté dans tous les domaines des dits Etats l'une entière et parfaite réciprocité relativement aux stipulations rensermées dans le pre-ent article. Mais il est convenu en même tems ue son contenu ne portera aucune atteinte

Acte des Etats Unis révoquant les articles précédens.

## DRIGINAL.

## DECLARATION.

Le Roi très Chrétien ayant bien voulu avoir gard aux représentations que lui a faites le Connés Général de l'Amérique Septentrionale, retivement à l'article onze du traité de commerce, gné le six Février de la presente année; et su Majesté ayant consenti en conséquence que le dit rticle demeurât supprimé à condition que l'article souze du même traité sût également regardé comme on avenu; le Congrés Général à déclaré et détare de son côté qu'il consent à la suppression des rticles onze et douze susmentionnés, et son inention est, qu'ils soient regardés comme n'ayant amais eté compris dans le traité signé le six sévrier dernier. En soi de quoi, & c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

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fame time agreed that its contents shall no affect the laws made, or that may be made hereafter in France against emigrations which shall remain in all their force and vigour, and the United States on their part, or any of them, shall be at liberty to enact fuch laws, relative to that matter, as to them shall feem proper.

#### ARTICLE XII.

Ehips fulpected shall exhibit paliports and certificates.

The merchant ships of either of the partie which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of fulpicion, shall be obliged to exhibit as well upon the high feas, as in the ports and havens, not only her passports, but likewise certificates, espressly shewing that her goods are not of the number of those which have been prohibited as contrabands or with a land

## ARTICLE XIII.

band goods.

If by the exhibiting of the abovefaid certif. Howtorr cates, the other party discover there are any good in case of those forts of goods which are prohibited and declared contraband, and configned for port under the obedience of his enemies, it shall not be lawful to break up the hatches of fuch ship, or to open any cheft, coffer, packs, casks, or any other vessels found there in, or to remove the smallest parcels of her goods, whether fuch ship belongs to the subjects of France, or the inhabitants of the fair United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange or alienate the same, in any manner, until after that due and lawful process shall

aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la fuite, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr' eux, feront libres de statuer sur cette matière telle loi qu'ils jugeront àpropos.

# ARTICLE XII.

Les navires marchands des deux parties qui feront destinés pour des ports appartenants à me puissance ennemie de l'autre allié et dont le voiage ou la nature des marchandises dont ils seront chargés donneroit de justes soupçons, feront tenus d'exhiber soit en haute mer, soit dans les ports et havres, non seulement leurs passeports mais encore les certificats qui constateront expressément que leur chargement n'est pas de la qualité de ceux qui sont prohibés comme contrebande.

# ARTICLE XIII.

Si l'exhibition des dits certificats conduit à découvrir que le navire porte des marchandises prohibées et reputées contrebande, confignées pour un port ennemi, il ne sera pas permis de brifer les écoutilles des dits navires, ni d'ouvrir aucune caisse, costre, malle, ballots, tonneaux et autres caisses qui s'y trouveront, ou d'en déplacer et détourner la moindre partie des marchandises soit que le navire appartienne aux fujets du Roi très Chrêtien ou aux habitans des Etats Unis, jusqu' à ce que la cargaison ait été mise à terre en présence des officiers des cours d'amirauté, et que l'inventaire en ait été fait; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaison en manière quelconque, avant que le proces ait été fait et par-

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have been had against fuch prohibited goods. and the court of admiralty shall by a fentence pronounced have confiscated the fame : faving always as well the fbip itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize: but if not the whole cargo, but only part thereof fhall confift of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall forthwith difcharge the ship, and not hinder her by any means, freely to profecute the voyage on which she was bound. But in case the contraband merchandizes cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the veffel into the nearest port agreeable to what is above directed.

# ARTICLE XIV

Goods found in an enemy's fhip may be confifcated, unless put on board before declaration of war, or months af-

On the contrary it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party of any ship belonging to the enemies of the other, or to their fubjects, the whole although it be not of the fort of prohibited goods, may be confifcated in the fame manner as if it belonged to the enemy, except fuch goods and merchandizes as were within two put on board fuch ship before the declaration of war, or even after fuch declaration, if fo be it were done without knowledge of fuch declaration, fo that the goods of the subjects di,

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fait légalement pour déclarer la contrebande, et que les cours d'amirante auront prononce leur confiscation par jugement, sans préjudice néanmoins des navires, ainsi que des marchandises qui en vertu du traité doivent être censées Il ne fera pas permis de retenir ces marchandifes fous pretexte qu'elles ont été entachées par les marchandifes de contrebande et bien moins encore de les configuer comme des prises légales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande, et que le commandant du vaisseau consente à les délivrer au corfaire qui les aura découvertes, alors le capitaine qui aura fait la prife, après avoir reçu ces marchandifes, doit incontinent relâcher le navire et ne doit l'empêcher en aucune manière de continuer fon voyage. Mais dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées fur le vaisseau capteur, alors le capitaine du dit vaifseau sera le maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformement à ce qui est preicrit plus haut.

# ARTICLE XIV.

On est convenu au contraire que tout ce qui se trouvera chargé par les sujets respectifs sur des navires appartenants aux ennemis de l'autre partie ou à leurs sujets sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenoient à l'ennemi, à l'exception toute sois, des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si au moment du chargement on a pû l'ignoter, de manière que les marchandises des sujets

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and people of either party, whether they bear the nature of fuch as are prohibited or other. wife, which as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the fame, without the knowledge of it, shall no ways be liable in confiscation, but shall well and truely be reftered without delay to the proprietors demand. ing the same; but so as that if the said merchandizes be contraband it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

# ARTICLE XV.

thips of war and privateers to do no injury to either party, if they do, to be punished and make reparation to the party injured.

And that more effectual care may be taken for the fecurity of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his Most Christian Majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

## ARTICLE XVI

All ships and merchandizes of what nature foever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall ther-

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les deux parties, foit qu'elles fe trouvent du nombre de celles de contrebande ou autrement, les quelles comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant à l'ennemi, avant la guerre ou même après la dite déclaration, l'orsqu'on l'ignoroit, ne feront en aucune manière, sujetes à confiscation, mais seront fidelement et de bonne foi rendues fans délai à leurs propriétaires, qui les réclameront; bien entendu néanmoins qu'il ne loit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois, passes depuis la déclaration de guerre, leurs sujets repectifs, de quelque partie du monde qu'ils viennent ne pourront plus alleguer l'ignorance dont il est question dans le présent article.

# ARTICLE XV.

Et afin de pourvoir plus efficacement à la suré des sujets des deux parties contractantes, pour qu'il ne leur soit sait aucun préjudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait désense à tous capitaines des vaisseaux de sa Majesté très Chrétienne et des dits Etats Unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis; et, de plus, ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

# ARTICLE XVI.

Tous vaisseaux et marchandises de quelque nature que ce puisse être, lors qu'ils auront été enleves des mains de quelques pirates en pleine.

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be brought into some port of either state, and Thall be delivered to the cuftody of the officers of that port, in order to be restored entire to the true proprietor, as foon as due and fuffici. of pirates to be reflo- ent proof shall be made concerning the property thereof.

#### ARTICLE XVII.

Prizes may be carried into the ports of cither party.

It shall be lawful for the ships of war of either party, and privateers, freely to carry whitherfoever they please, the ships and goods as ken from their enemies, without being obliged to pay any duty to the officers of the admirally or any other judges; nor shall such prizes be arrested or feized when they come to and enter the ports of either party; nor shall the fearchers or other officers of those places fearch the same, or make examination concening the lawfulness of such prizes; but they may hoift fail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such Thips of war shall be obliged to shew: on the contrary, no shelter or refuge shall be given in their ports to fuch as shall have made prize of the subjects, people or property of either of the parties; but if fuch shall come in, being forced by stress of weather, or the danger of the fea, all proper means shall be vigoroully used, that they go out and retire from thence as foon as possible.

No fhelter fiall be given to the captors of prizes from either par-

## ARTICLE XVIII.

In cafe of fhipwreck, relief to be alforded.

If any ship belonging to either of the parties, their people or subjects, shall within the coasts or dominions of the other, stick upon the fands, or be wrecked, or fuffer any other damage, all friendly affiftance and relief fhall be given to the persons shipwrecked, or such a

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mer, seront arrenés dans quelque port de l'un, des deux Etats, et seront remis à la garde des officiers du dit port asin d'être rendus, en entier, à leur véritable propriétaire, aussitôt qu'il aura duement et sussissament fait conster de sa propriété.

#### ARTICLE XVII.

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Les vaisseaux de guerre de sa Majesté très Chrêtienne et ceux des Etats Unis, de même que ceux que leurs fujets auront armes en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur burs ennemis, fans être obligés à aucuns droits, bit des fieurs amiraux ou de l'amirauté ou d'aucuns autres, fans qu'aussi les dits vaisseaux ou les dites prifes, entrant dans les havres ou ports de sa Majesté très Chrétienne ou des dits Lats Unis, puissent être arrêtes ou faifis, ni que les officiers des lieux puissent prendre connoillance de la validité des dites prises, les quelles pourront sortir et être conduites franchement et en toute liberté, aux lieux portés par les commissions dont les capitaines des dits visseaux seront obligés de faire apparoir. Et mcontraire, ne fera donné afile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de sa Majesté ou des dits Etats Unis; et s'ils sont forces d'y entrer par tempête ou peril de la mer, on les fera ortir le plutôt qu'il sera possible.

## ARTICLE XVIII.

Dans le cas où un vaisseau appartenant à l'un des deux Etats ou à leurs sujets, aura échoué, ait naufrage ou soussert quelqu' autre domnage sur les côtes ou sous la domination de une des deux parties, il sera donné toute ude et assistance amiable aux personnes nau-

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shall be in danger thereof. And letters of fale conduct shall likewife be given to them for their free and quiet passage from thence and the return of every one to his own country.

#### ARTICLE XIX.

When velfels by ftrefs &c. are forced into ports, &c. they shall be protected and permitted to depart,

In case the subjects and inhabitants of either party, with their shipping, whether public and of weather, of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for feeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refreh and provide themselves, at reasonable rate, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage and they shall no ways be detained or hindered from returning out of the faid ports of roads, but may remove and depart when and whither they please, without any let or hipdrance.

## ARTICLE XX.

In case of war, fix months shall be allowed to citizens of each party reliding in the other's dominion to fell and remove theirelede.

For the better promoting of commerce on both fides, it is agreed, that if a war shall break out between the faid two nations, fix months after the proclamation of war, shall be allowed to the merchants in the cities and towns where they live for felling and transporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction stall be made for the fame.

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fragées ou qui se trouvent en danger, et il leur fera accordé des sauf conduits pour assûrer leur passage et leur retour dans leur patrie.

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#### ARTICLE XIX.

Lorsque les sujets et habitans de l'une des deux parties avec leurs vaiffeaux foit publics e de guerre, soit particuliers et marchands, front forces par une tempête, par la pourluite des pirates et des ennemis, ou par quelqu' autre recessite urgente, de chercher refuge et un abri, le le retirer et entrer dans quelqu' une des ivieres, bayes, rades ou ports de l'une des feux parties, ils feront reçus et traités avec humanité, et jouiront de toute amitié, protecnon et affiltance, et il leur lera permis de le pourvoir de raffrachissemens, de vivres, et de toutes choses nécessaires pour leur subsistance, pour la reparation de leurs vaisseaux, et pour, continuer feur voiage; le tout moiennant un rix raisonable, et ils ne seront retenus en aucune manière, ni empêches de fortir des dits ports ou rades, mais pourront se retirer et parir quand, et comme il leur plaira, fans aucun obstacle ni empêchement.

ARTICLE XX.

Afin de promouvoir d'aufant mieux le commerce de deux côtés, il est convenu que dans
le cas où la guerre surviendroit entre les deux,
nations susdites, il sera accordé six mois, après,
la déclaration de guerre, aux marchands dans,
les villes et cités qu'ils habitent, pour rassembler et transporter les marchandises; et s'il en
el enlevé quelque chose ou s'il leur a été fait,
quelqu'injure durant le terme prescrit cidessus
par l'une des deux parties, leurs peuples ou
sujets, il seur sera donné à cet égard pleine et
mière satisfaction.

# ARTICLE XXI.

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Citizens of neither parters of marque from any prince or state with whom the other is at war, to act as priva. BCCT4.

No subjects of the Most Christian King hal apply for or take any commission, or letters of ty hall take marque, for arming any thip or thips to all a fions or let- privateers against the faid United States, or any of them, or against the subjects, people or inhabitants of the faid United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the faid United States shall be at war; nor shall any citizen, subject or inhabitant of the faid United States, or any of them, apply for or take any commission or letters of marque for arming any thip or thip, to act as privateers against the subjects of the Most Christian King, or any of them, or the property of any of them, from any Prince or State with which the faid King shall be a war; and if any person of either nation shall take fuch commissions or letters of marque, he shall be punished as a pirate.

#### ront ic retire distant, of chick XXII and ARTICLE XXII to become

Foreign privateers not allowed to be fitted out, or to prizesinthe ports of either party.

It shall not be lawful for any foreign phivateers, not belonging to subjects of the Mol Christian King, nor citizens of the faid United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforefaid parties, to fell what they have taken, or in any other manner whatfoever to exchange their ships, merchandizes, or any other lading; neither thall they be allowed even to purchase victuals, except fuch as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

# ARTICLE XXI.

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Aucun sujet du Roi très Chrêtien ne prendra de commission ou de lettres de marque, pour armer quelque vaisseau ou vaisseaux à l'effet d'agir comme corfaires contre les dits Etats Unis ou quelques uns d'entr' eux, ou contre les fujets, peuples ou habitans d'iceux, cu contre leur propriété ou celle des habitans d'aucun d'entr' eux, de quelque prince que ce soit avec lequel les dits Etats Unis seront en merre. De même aucun citoien, sujet, ou labitant des susdits Etats Unis et de quelqu' m d'entr' eux, ne demandera ni n'acceptera ucune commission ou lettres de marque, pour rmer quelque vaisseau, ou vaisseaux pour ourre fus aux sujets de sa Majesté très Chrêienne, ou quelques uns d'entre eux ou leur ropriété, de quelque prince ou état que ce foit wec qui sa dite Majesté se trouvera en guerre; t'si quelqu' un de l'une ou de l'autre nation renoit de pareilles commissions ou lettres de parque, il fera puni comme pirate.

# ARTICLE XXII.

Il ne sera permis à aucun corsaire étranger son appartenant à quelque sujet de sa Majesté rès Chrêtienne ou à un citoien des dits Etats Unis, lequel aura une commission de la part sun prince ou d'une puissance en guerre avec une des deux nations, d'armer leurs vaisseaux ans les ports de l'une des deux parties, ni d'y endre les prises qu'il aura faites, ni décharger nautre manière quelconque les vaisseaux, marhandises ou aucune partie de leur cargaison; ne sera même pas permis d'acheter d'autres ivres que ceux qui lui seront nécessaires pour e rendre dans le port le plus voisin du prince u de l'état dont il tient sa commission.

# ARTICLE XXIII.

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It shall be lawful for all and fingular the Liberty for fubjects of the Most Christian King, and the ty to trade citizens, people and inhabitants of the fait with a na- United States, to fail with their ships with all with the o- manner of liberty and fecurity, no distinction being made, who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter thall be at entity with the Most Christian King; or the United States. It shall like vise be lawful for the fubjects and inhabitants afore faid, to fail with the ships and merchandize aforementioned, and to trade with the fame liberty and fecurity from the places, ports and havens of those who are enemies of both of & ther party, without any opposition or distinbance whatfoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to a enemy, whether they be under the jurisdiction of the same Prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which contraband strail be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is alfo agreed in like manner, that the fame liberty be extended to persons who are on board 1 free thip, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are foldiers and in actual fervice of the enemy,

Free thips make free goods, excepting articles.

# ARTICLE XXIII.

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Il sera permis à tous et un chacun des sujets du Roi très Chrêtien et aux citoïens, peuple et habitans des fusdits Etats Unis, de naviguer avec leurs bâtimens avec toute liberté et sûreté, fans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits bâtimens venant de quelque port que ce foit, et destinés pour quelque place d'une puissance actuellement ennemie, ou qui pourra l'être dans la fuite de fa Majesté très Chrêtienne ou des Etats Unis. Il sera permis également aux sujets et habitans fus mentionnés de naviguer avec leurs vaisseaux et marchandises et de fréquenter avec la même liberté et sûreté, les places, ports, et havres des puissances ennemies des deux parties contractantes ou d'une d'entre elles, sans opposition ni trouble, et de faire le commerce non seulement directement des ports de l'ennemi susdit à un port neutre, mais aussi d'un port ennemi à un autre port ennemi, soit qu'il se trouve sous sa jurisdiction ou sous celle de plusieurs; et il elt stipulé par le présent traité que les bâtimens libres affûreront également la liberté des marchandiles, et qu'on jugera libres toutes les choses qui se trouveront àbord des navires appartenants aux sujets d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendroit aux ennemis de l'une des deux; bien entendu néanmoins que la contrebande sera toujours exceptée. Il est également convenu que cette même liberté s'étendra aux personnes qui pourroient se trouver abord du bâtiment libre, quand même elles seroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevées des dits navires, à moins qu'elles ne foient militaires et actuellement au service de l'ennemi.

Vol. I. F 3

# ARTICLE XXIV. This liberty of navigation and commerce

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What goods shall extend to all kinds of merchandizes, excepting those only which are distinguished by contraband the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with the fusees, and other things belonging to them, cannon ball, gunpowder, match, pikes, fwords, lances, fpears, halberds, mortars, petards, granades, faltpetre, muskets, musket ball, bucklers, helmets, breaft plates, coats of mail, and the like kinds of arms, proper for arming foldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods; that is to fay, all forts of cloths, and all other manufactures woven of any wool, flax, filk, cotton, or any other materials whatever, all kinds of wearing appare, together with the species whereof they are used to be made, gold and filver, as well coined as uncoined, tin, iron, latten, copper, brafs, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; falted and smoked flesh, falted fish, cheese and butter, beer, oils, wines, fugars, and all forts of falts; and in general all provisions which ferve for the nourishment of mankind and the fustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, fails, fail cloths, anchors and any parts of anchors, also ships malts, planks, boards and beams of what trees foever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the

#### ARTICLE XXIV.

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Cette liberté de navigation et de commerce doit s'étendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont désignées sous le nom de contrebande : Sous ce nom de contrebande ou de marchandiles prohibées, doivent être compris les armes, canons, bombes avec leurs fusées et autres choses vrelatives, boulets, poudre à tirer, méches, piques, épées, lances, dards, hallebardes, mortiers, petards, grenades, salpêtre, fusils, balles, boucliers, casques, cuirasses, cote de mailles, et autres armes de cette espèce, propres à armer les foldats, porte-mousqueton, baudriers, chevaux avec leurs équipages, et tous autres instrumens de guerre quelconques. Les marchandifes dénommées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, favoir : toutes fortes de draps et toutes autres étoffes de laine, lin, soye, coton ou d'autres matières quelconques; toutes fortes de vêtemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoie ou non, l'étain, le fer, laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute utre forte de bleds et légumes; le tabac et toutes les fortes d'épiceries, la viande falée et fumée, poisson falé, fromage et beurre, bierre, huiles, vins, fucres, et toute espèce de sel, et en ginéral toutes provisions servant pour la nournture de l'homme et pour le foutien de la vie. De plus, toutes fortes de coton, de chanvre, in, goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, madriers, et bois de toute espéce, et butes autres choses propres à la construction tréparation des vaisseaux, et autres matières quelconques qui n'ont pas la forme d'un in-

form of any instrument or thing prepared for war by land or by fea, shall not be reputed contraband, much less such as have been al ready wrought and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other mer. chandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; fo that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to a enemy, fuch towns or places being only excepted, as are at that time befieged, blockedup or invested.

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#### ARTICLE XXV.

Ships and furnished with fealetports and certificates.

To the end that all manner of diffention and quarrels may be avoided and prevented vessels tobe on one fide and the other, it is agreed, that case either of the parties hereto should be esters or past gaged in war, the ships and vessels belonging to the subjects or people of the other ally, mult be furnished with fea letters or passports, expressing the name, property and bulk of the fhip, as also the name and place of habitation of the mafter or commander of the faid thip, that it may appear thereby that the ship really and truly belongs to the fubjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is if the ship happens to return home within the space of a year. It is likewise agreed, that fuch ships being laden are to be provided not only with paffports as above-mentioned, but also with certificates, containing the several particulars of the cargo, the place whence frument préparé pour la guerre par terre comme par mer, ne seront pas reputées contrebande, et encore moins celles qui sont déja préparées pour quelqu' autre usage: Toutes les choses dénommées ci-dessus, doivent être comprises parmi les marchandises libres, de même que toutes les autres marchandises et effets qui ne sont pas compris et particulièrement nommés dans l'énumération des marchandises de contrebande; de manière qu'elles pourront être transportées et conduites de la manière la plus libre, par les fujets des deux parties contractantes, dans des places ennemies, l'exception néanmoins de celles qui se troureroient actuellement affiegées, bloquées ou investies.

#### ARTICLE XXV.

Asin d'écarter et de prévenir de part et d'autre toutes discussions et querelles, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenans aux suets ou peuple de l'autre allié, devront être pourvus de lettres de mer ou passeports, les quels exprimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maitre ou commandant du dit vaisseau, afin qu'il apparoisse par là que le même vaisseau appartient reellement et véritablement aux fuets de l'une des deux parties contractantes; lequel passeport devra être expédié selon le modèle annexé au present traité. Ces passeports devront également être renouvellés chaque année, dans le cas où le vaisseau retourne thez lui dans l'espace d'une année. Il a été convenu également que les vaisseaux susmentionnés, dans le cas où ils seroient chargés, syront être pourvus non seulement de passe-

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the ship failed, and whither she is bound, the fo it may be known whether any forbidden or contraband goods be on board the fame: which certificates shall be made out by thed ficers of the place whence the fhip fet fail, in the accustomed form; and if any one shall think it fit or advisable to express in the faid certificates, the person to whom the goods on board belong, he may freely do fo.

## ARTICLE XXVI.

Vellels

The ships of the subjects and inhabitants of coming on either of the parties, coming upon any coals belonging to either of the faid allies, but not the ports of willing to enter into port, or being entered in ty how to port and not willing to unload their cargon be treated or break bulk, they shall be treated according to the general rules prescribed or to be prescri bed, relative to the object in question.

# ARTICLE XXVII.

How veffels are to be treated when met by thips of watcers.

If the ships of the faid subjects, people or inhabitants of either of the parties shall be met with, either failing along the coafts or on the high feas, by any ship of war of the other, or war or pri- by any privateers, the faid ships of war or privateers, for the avoiding of any diforder, shall remain out of cannon shot, and may fend their boats aboard the merchant ship which they, shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or veslel shall exhibit his passport concerning the property of the ship, made out according to the form inferted in this present treaty, and the ship when she shall have shewed such passport, shall be free and at liberty to pursue her that

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ports, mais aussi de certificats, contenant le detail de la cargaison, le lieu d'où le vaisseau est parti, et la déclaration des marchandises de contrebande qui pourroient se trouver àbord; lesquels certificats devront être expédiés dans la forme accoutumée par les officiers du lieu d'où le vaisseau aura fait voile : et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports, la personne à laquelle les marchandises appartiennent, on pourra le faire librement.

#### ARTICLE XXVI.

Dans le cas où les vaisseaux des sujets et habitans de l'une des deux parties contractantes pprocheroient des côtes de l'autre, sans cepenlant avoir le dessein d'entrer dans le port, ou près être entrés, sans avoir le dessein de déharger la cargaison, ou rompre leur charge, in se conduira à leur égard suivant les réglemens généraux prescrits ou à prescrire relativement à l'objet dont il est question.

## ARTICLE XXVII.

Lorsqu'un bâtiment appartenant aux dits sues, peuple et habitans de l'une des deux pares, sera rencontré navigant le long des côtes u en pleine mer, par un vaisseau de guerre e l'autre, ou par un armateur, le dit vaisseau guerre, ou armateur, afin d'éviter tout déordre, se tiendra hors de la portée du canon, pourra envoier sa chaloupe àbord du bâtient marchand, et y faire entrer deux ou trois ommes, aux quels le maître ou commandant u bâtiment montrera son passeport, le quel erra être conforme à la formule annexée au résent traité, et constatera la propriété du itiment: et après que le dit bâtiment aura shibé un pareil passeport, il lui sera libre de ontinuer son voïage, et il ne sera pas permis

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voyage, fo as it shall not be lawful to moleft on feareh her in any manner, or to give he chace or force her to quit her intended course

#### ARTICLE XXVIII.

No fearch after goods are put on or veffels, unless in case of Faud.

It is also agreed, that all goods when once put on board the ships or vessels of either of board flaips the two contracting parties, shall be subject to no farther visitation; but all visitation or fearch shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the fame be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of his Most Christian Majestr or the United States, be put under any and or molested by any other kind of embargo for that cause; and only the subject of that state to whom the faid goods have been or shall be prohibited, and who shall prefume to sell or alienate fuch fort of goods, shall be duly punished for the offence.

#### ARTICLE XXIX.

Confuls, &c. to be

The two contracting parties grant mutually allowed in the liberty of having each in the ports of the the ports of other, confuls, vice-confuls, agents and comeach party. missaries, whose functions shall be regulated by a particular agreement.

## ARTICLE XXX.

And the more to favor and facilitate the Free ports. commerce which the subjects of the United States may have with France, the Most Chriftian King will grant them in Europe one of more free ports, where they may bring and dispose of all the produce and merchandize of the thirteen United States; and his Majelde le molester, ni de chercher en aucune manière, de lui donner la chasse, ou de le forcer de quitter la course qu'il s'étoit proposée.

#### ARTICLE XXVIII.

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Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes. elles ne pourront plus être affujeties à aucune vilite; toute vilite et recherche devant être fite avant le chargement, et les marchandises prohibées devant être arrêtées et faifies fur la plage avant de pouvoir être embarquées, à noins qu'on n'alt des indices manifestes ou es preuves de versements frauduleux. De nême aucun des sujets de sa Majesté très Chrê-ienne ou des Etats Unis, ni leurs marchaniles, ne pourront être arrêtés ni molestés pour ette cause, par aucune espèce d'embargo; et s seuls sujets de l'etat, auxquels les dits marhandises auront été prohibées, et qui se seron! mancipés à vendre et aliener de pareilles marchandises, seront duement punis pour cette contravention.

## ARTICLE XXIX.

Les deux parties contractantes se sont acordé mutuellement la faculté de tenir dans curs ports respectifs, des consuls, vice-consuls, gents et commissaires, dont les fonctions seront eglées par une convention particulière.

## ARTICLE XXX.

Pour d'autant plus favoriser et faciliter le ommerce que les sujets des Etats Unis feront rec la France, le Roi très Chrêtien leur ac-ordera en Europe un ou plusieurs ports Francs ng and ans lesquels ils pourront amener et débiter andize outes les denrées et marchandises provenant Majel- es treize Etats Unis; sa Majesté conservera VOL. I.

ty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America: of all which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

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#### ARTICLE XXXI.

Ratifica-

The present treaty shall be ratified on both fides, and the ratifications shall be exchanged in the space of six months, or sooner if policible.

In faith whereof the respective plenipotents ries have signed the above articles, both in the French and English languages, declaring nevertheless, that the present treaty we originally composed and concluded in the French language, and they have there affixed their seals.

Done at Paris, this fixth day of February, one thousand seven hundred and seventy-eight

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C. A. GÉRARD, (L. S.)
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l'un autre côté, aux fujets des dits Etats, les ports Francs qui ont été, et sont ouverts dans les isles Françoises de l'Amérique. De tous les quels ports Francs les dits sujets des Etats Unis jouiront conformément aux réglemens qui en déterminent l'usage.

#### ARTICLE XXXI.

Le présent traité sera ratissé de part et d'aure, et les ratissications seront échangées dans lespace de six mois ou plustôt si faire se peut,

In foi de quoi les Plenipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Françoise qu'en langue Angloise, déclarant néanmoins que le présent traité a été originairement redigé et arrêté en langue Françoise; et ils y ont apposé le cachet de leurs armes.

aità Paris, le fixieme jour du mois de Fevrier, mil sept cent soixante dix-huit.

C. A. GERARD,	(L s.)
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# TREATY

Of Amity and Commerce between their High Mightinesses the States General of the United Netherlands, and the United States of America, to wit: New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jesse, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, an Georgia.

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THEIR High Mightinesses the States Ge neral of the United Netherlands, and the United States of America; to wit: No Hampshire, Massachusetts, Rhode-Island an Providence Plantations, Connecticut, No. York, New-Jersey, Pennsylvania, Delaware Maryland, Virginia, North-Carolina, South Carolina, and Georgia, defiring to afcerta in a permanent and equitable manner, the rules to be observed relative to the commen and correspondence, which they intend to tablish between their respective states, cou tries and inhabitants, have judged that the faid end cannot be better obtained, than establishing the most perfect equality and red procity for the basis of their agreement, a by avoiding all those burthensome preference which are usually the fources of debate, et barraffment and discontent; by leaving a each party at liberty to make, respecting con merce and navigation, fuch ulterior regul tions as it shall find most convenient to itself and by founding the advantages of commer folely upon reciprocal utility, and the just rul

# TRACTAAT

Van Vriendschap en Commercie, tusschen Haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, te weeten, New-Hampshire, Massachusetts, Rhode-Island en Providence Plantations, Convecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuyd-Carolina, en Georgia.

AAR Hoog Mogende de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America; te weeten: New-Hampshire, Massachusetts, Rhode-Island en Providence Plantations, Connecticut, New-York, New-Jersey, Pensylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuyd-Carolina, en Georgien, geneegen zynde op een bestendige en billyke wyze te bepalen de regelen, die in acht genomen moefen worden, ten opzigte van de correspondentie en commercie, welke zy verlangen vast te stellen tufschen haare respective landen Staten, onderdanen en ingezeetenen, hebben geoordeelt, dat het gezegde eynde niet beeter kan worden bereykt, dan door te stellen tot een bazis van haar verdrag, de volmaekste egaliteit en reciprociteit, en met vermyding van alle die lastige præferentien, dewelke doorgaans de bronaders zyn van twist, verwarring en misnoegen; door aan iedere party de vryheid te laaten, om weegens de commercie en navigatie, verder zulke reglementen te maken, als die voor zig zelven het gevoegelykst zal oordeelen; en door de

High be Unitates of Maffa

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of free intercourse, reserving withal to ed party the liberty of admitting at its pleafur other nations to a participation of the fame ad vantages.

On these principles their said High Mightinesses the States General of the United Ne. therlands, have named for their plenipotentiaries, from the midst of their assembly, Messieurs, their deputies for the foreign affairs; and the faid United States of America, on their part, have furnished with full powers, Mr. John Adams, late commissioner of the United States of America at the court of Versailles, heretofore delegate in Congress from the state of Massachusetts-Bay, and chief justice of the faid state, who have agreed and concluded a follows, to wit:

## ARTICLE I.

Peace and friendship

There shall be a firm, inviolable and univerfal peace and fincere friendship, between their betweenthe High Mightinesses, the Lords the States Genetwo nations: ral of the United Netherlands, and the United States of America, and between the fubjects and inhabitants of the faid parties, and between the countries, islands, cities and places, fituate under the jurisdiction of the said United Netherlands, and the faid United States of America, their fubjects and inhabitants, of every degree, without exception of persons or places.

## ARTICLE II.

The fubjects of the faid States General of the United Netherlands, shall pay in the ports, ead

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roordeelen van commercie, eeniglyk to gronden op weederzyds nut, en de juyste regels van vrye handel over en weer; reserveerende by dat alles aan iedere parthy de vryheid; om, na des zelfs goedvinden andere natien te admitteeren tot het participeeren aan dezelfde roordeelen.

Op deeze grondbeginzelen hebben voorgemelde Haar Hoog Mogende de Staten Genemal der Vereenigde Nederlanden, tot hunne
Plenipotentiarissen, uit het midden hunner vergadering benoemd, de Heeren Derselver gedeputeerden tot de buytenlandsche Zaaken;
En de gemelde Vereenigde Staten van Ameria van hunne zyde, met volmagt voorsien den
Heer Josen Adams, laatst commissaris van de
Vereenigde Staten van America, aan het Hos
tan Versailles geweezen afgevaardigde op het
Congres weegens de staten van Massachusettshaay, en opper-regter van den gemelden staat,
kwelke zyn overeengekomen, en geaccordeert:

#### ARTICLE I.

Daar zal een valte, onverbreekelyke en uniterfeele vreede, en opregte vrienschap zyn,
mischen Haar Hoog Mogende de Heeren Staten General der Vereenigde Nederlanden, en
de Vereenigde Staten van America, en de onderdanen en ingezeetenen van de voornoemde parthyen, en tusschen de landen, eilanden,
meeden en plaatzen, geleegen, onder de jûrisdictie van de gemelde Vereenigde Nederlanden, en de gemelde Vereenigde Staten van
America, en derselver onderdanen en ingezeetenen van allerley Staat, sonder onder scheid
van persoonen en plaatzen.

#### ARTICLE II.

De onderdanen van de gemelde Staten Goaeraal der Vereenigde Nederlanden, zullen in

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United Netherlands shall have thesame privileges in the Uffited States, as the most favored nation.

Subjects of havens, roads, countries, illands, cities places, of the United States of America any of them, no other nor greater duties imposts, of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade navigation and commerce, which the faid na tions do or shall enjoy, whether in passing from one port to another, in the faid states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

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har gie Staren van America, Am het 110f.

ARTICLE III. DOOW BEING Citizens of The Subjects and inhabitants of the fail States, thall United States of America, shall pay in the have the ports, havens, roads, countries, illands, cites leges in the Or places of the faid United Netherlands, or United Ne- any of them, no other nor greater duties # as the most imposts of whatever nature or denomination favored na- they may be, than those which the nations the most favoured, are or shall be obliged to pay: And they shall enjoy all the rights, is berties, privileges, immunities and exemptions in trade, navigation and commerce, which the faid nations do or shall enjoy, whether in palfing from one port to another in the faid states, or from any one towards any one of those ports, from or to any foreign port of the world. And the United States of America, with their fubjects and inhabitants, shall leave to those of their High Mightinesses, the peaceable enjoyment of their rights, in the countries, ation

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le havens, rheeden, landen, eilanden, fteder of plaatzen van de Vereenigde Staten van America, of eenige van dezelve, geen andere of grootere regten of impositien van wat natuur, die ook mogen zyn, of hoedanig dezelve ook genoemt mogen wer , betaalen, dan die welke de meest gefavoriseerde natien, zyn of zullen worden verpligt aldaar te betaalen: En zy zullen genieten alle de regten, vryheeden, privilegien, immuniteiten en exemptien h handel, havigatie en commercie, het zy in het gaan van eene haven in de gemelde Staaten meene andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld; of van eenige vreemde haven van de wereld; na eenige van deeze havens, welke de gemelde nation reeds genieten of zullen genieten:

#### ARTICLE III.

Insgelyks zullen de onderdanen en ingezeemen van de gemelde Vereenigde Staten van America, in de havens, rheeden, landen, eilanden, steeden of plaatsen van de gemelde Vereenigde Nederlanden of eenige van dezelve; geen andere of grootere regten of imposition, van wat natúúr, die ook mogen zyn of hoedanig dezelve ook genoemt mogen worden; betalen, dan die, welke de meest gefavoriseerde nation, zyn of zullen worden verpligt aldaar te betalen. En zy zullen genieten alle de regten, vryheeden, privilegien, immuniteiten, m exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in te gemelde Staaten na eene andere, of gaande m en van dezelve, van en na eenige vreemde haven van de wereld, welke de meest gefavofileerde nation reeds genieten of fullen geniden. En zullen de Vereenigde Staten vah America, benevens haure onderdanen en in-Vol. I. H 3

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islands and seas, in the East and West-India without any hindrance or molestation.

# ARTICLE IV.

confcience, &c. fecured to the citizens of each party in the other's do- ! minions.

There shall be an entire and perfect libert Liberty of of conscience allowed to the subjects and interior bitants of each party, and to their familie and no one shall be molested in regard to worship, provided he submits as to the publi demonstration of it, to the laws of the country There shall be given moreover, liberty, whe any fubjects or inhabitants of either party ha die in the territory of the other, to bury the in the usual burying places, or in decent a convenient grounds to be appointed for the purpose, as occasion shall require; and the dead bodies of those who are buried, shall no in any wife be molested. And the two coltracting parties shall provide, each one in hi jurisdiction, that their respective subjects and inhabitants may henceforward obtain the re quisite certificates in cases of deaths, in which they shall be interested.

# ARTICLE V

Both parof the odominions,

Their High Mightinesses, the States Geneties to pro-tect vessels ral of the United Netherlands, and the Uni ted States of America, shall endeavour, by all therintheir the means in their power, to defend and proto restore tect all vessels and other effects, belonging to them when their subjects and inhabitants respectively, of and to con- to any of them, in their ports, roads, havens, vey in cer-tain cases. internal seas passes, rivers, and as far as their India

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rezerienen, aan die van Haar Hoog Mogende ten het gerust genot van haare regten, omtent de landen, eilanden en zeeën, in Oost en West-Indien, sonder haar daar in eenig belet shindernis te doen.

#### ARTICLE IV.

Er zal eene volle, volkomene en geheele nyheid van conscientie worden toegestaen aan e onderdanen en ingezeetenen van iedere arthy, en aan derzelver familien, en zal nieund ter zake van den Godtsdienst worden emolesteert, mits hem omtrent publique deonstratie onderwerpende aan de wetten van et land. Daar en boven zal vryheyd worden egeven aan de onderdanen en ingezeetenen an iedere parthye, die in des anderen's tertoir overlyden, om begraven te worden in de ewoone begraafplaatzen of gevoeglyke en ecente plaatzen, daar toe te-bepaalen, zoo als e geleegenheid zal vereyfichen, nogte zullen edoode lighaamen van die geene, die begraen zyn eenigfints worden gemolelteert. ullen de beide contracteerende mogendheeden, der onder hun gebied, de nodige voorsieninge ben, ten eynde de respective onderdanen en ngezeetenen van behoorlyke bewyzen van terfgevallen, waar by dezelve zyn geintereftert voortaan zullen kunnen worden gedient.

#### ARTICLE V.

Haar Hoog Mogende, de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, zullen tragten zoo veel tenigzints in haar vermogen is, te beschermen in desendeeren alle scheepen en andere effecten debehoorende aan wederzydsche onderdanen in ingezeetenen, of eenige van dezelve, zynde in haare havens of rheën, binnenlandsche

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jurisdiction extends at fea, and to recover, and cause to be restored to the true proprietors their agents or attornies, all fuch vessels and effects, which shall be taken under their in risdiction: And their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the veffels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor deftined for any place blocked, and which shall hold the fame course or follow the fame route; and they shall defend such vessels as long as the shall hold the same course or follow the same route, against all attacks, force and violence of the common enemy, in the fame manner as they ought to protect and defend the velfels belonging to their own respective subjects.

## ARTICLE VI.

The fubjects of the contracting parties may, on one fide and on the other, in the respective Citizens of countries and states, dispose of their effects, cach party by testament, donation, or otherwise; and their may dispose by testament, of estate by heirs, subjects of one of the parties, and reliding in the country of the other, or elfewhere, shall receive such successions, even ab intestate, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of fuch commission contested, under pretext of any rights or prerogatives of any province, city, or private person; and

will or otherwise.

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zeeën, stroomen, rivieren, en zoe verre haare jurisdictie zeewaards strekt, en wederom te bekomen, ente doen restitueeren aan de regte eigenaers, hunne agenten of gevolmagtigden, alle zodanige scheepen, en effecten die, onder haare jurisdictie, zullen genomen worden : en haare convoyeerende oorlog scheepen zullen, voor zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle scheepen toebehoorende aan elkanders onderdanen en ingezetenen, dewelke geene contrabande goederen, volgens de beschryving, hier na daar van te doen, zullen hebben ingelaaden naar plaatxen, waar meede de eene parthy in vreede, en de andere in oorlog is, en na geen geblocqueerde plaats gedestineert zyn, en zullen houden dezelve cours, of gaan dezelve weg, en zullen zodanige scheepen defendeeren, zoo lang als zy dezelve cours houden, of defelve weg gaan, teegens alle aanvallen, magt en geweld van den gemeenen vyand op dezelve wys als zy zouden moeten beschermen en defendeeren de scheepen toebehoorende aan weederfyds eigen onderdaanen.

# ARTICLE VI.

De onderdanen der contracteerende parthyen, zullen over en weeder in weedersydsche landen en staten van hunne goederen by testamenten donatien, of andersints mogen disponeeren; en hunne ersgenamen, zynde onderdanen van een der parthyen in de landen van de andere, of wel elders woonagtig, zullen dezelve nalatenschapen ontsangen, selss ab intestate, het zy in persoon, het zy by hun procureur of gemagtigde, schoon zy geen brieven van naturalisatie zouden mogen hebben geobineert, zonder dat het esset van die commissie, hun zal kunnen worden betwist, onder præsen

concerning the fame.

the heirs, to whom fuch fuccessions may have fallen, shall be minors, the tutors or curators, Regulations established by the judge domiciliary of the faid minors, may govern, direct, administer, sell and alienate the effects fallen to the faid minors by inheritance, and in general, in relation to the faid fuccessions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors and curators: Provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

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#### ARTICLE VII.

Subjects of each party may employ fuch advocates, &c. as they think proper.

It shall be lawful and free for the subjects of each party, to employ fuch advocates, attornies, notaries, folicitors, or factors, as they shall judge proper.

## ARTICLE VIII.

Merchants, masters and owners of ships, mariners, men of all kinds, thips and veffels, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be feized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatfoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party, to take or extort by

Veffels, &c. not to be detained.

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text van eenige regten, of voor-regten van eenige provincie, stad of particulier perzoon: ensoo de erfgenamen, aan welke-de erffenissen mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangenstelt, kunnen regeeren, bestieren, administreeren, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by ersfenissen zullen zyn te beurt gevallen; en generalyk met opfigttot de voorschreeve successien en goederen, waarneemen alle regten en functien, die aan voogden en curateurs na dispositie der wetten competeeren, behoudens nogtans dat deeze dispositie geen plaats zal kunnen hebben, dan ingevalle als wanneer de testateur, by testament, codicille, of ander wettig instrument, geene-voogden of curateurs fal hebben genomineert.

#### ARTICLE VII.

Het zal wettig en vry zyn aan de onderdanen van iedere parthye, zodanige advocaten, procureurs, notarissen, solliciteurs of sactoors te employeeren, als zy zullen goedvinden.

## ARTICLE VIII.

Kooplieden, schippers, eygenaers, bootsgezellen, lieden van alderhande soort, scheepen en vaartuigen, en alle koopmanschappen en goederen in het generaal, en essecten van een derbondgenooten, of van derselver onderdanen, zullen niet mogen worden in beslag genomen of aangehouden in eenige der landen, gronden, eilanden, steeden, plaatsen, havens, stranden of dominien, hoegenaamt van den anderen bondgenoot, tot eenige militaire expeditie, publicq of privaat gebruik van iemand, door arrest, geweld of eenigsints daar na gelykende:

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force, any thing from the subjects of the other party, without the confent of the owner which, however, is not to be understood of feizures, detentions and arrests, which shall be made by the command and authority of jultice, and by the ordinary methods, on account of debts or crimes, in respect whereof, the proceedings must be by way of law, according to the forms of justice. -

#### ARTICLE IX.

Privileges of citizens ing bufinefs.

It is further agreed and concluded, that it shall be wholly free for all merchants, comin transact. manders of ships, and other subjects and inhabitants of the contracting parties, in every place, subject to the jurisdiction of the two powers respectively, to manage themselves their own business; and moreover as to the use of interpreters or brokers, as also in relation to the loading or unloading of their velfels, and every thing which has relation thereto, they shall be, on one fide and on the other, confidered and treated upon the footing of natural fubjects, or, at least, upon an equality with the most favoured nation.

# ARTICLE X.

if no contraband país.

The merchant thips, of either of the parties thips, if re- coming from the port of an enemy, or from quired shall their own, or a neutral port, may navigate exhibit feathers, &c freely towards any port of an enemy of the other ally: they shall be, nevertheless, held, goods shall whenever it shall be required, to exhibit, as well upon the high-feas, as in the ports, then fea-letters, and other documents, described in

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anderdanen van iedere parthy iets te neemen de door geweld te omvreemden, van de onderden van de onderden van de onderden van de onderden van de persoon, die het toebeloord het gen egterniet te verstaan is van die aanhalingen, detentien, en arresten, welke zullen worden gedaan op bevel en authoriteit van de justige en volgene de ordinalte wegen, ten opzigte van schulden of misdaden, waar omtrent de procedures moeten geschieden, by wege van regten, ingevolge de form van justitie.

#### ARTICLE IX.

Verdere is overcengekomen en beslooten, het volkomen vry zal flaan aan alle koop leden bevelhebbers van scheepen en andere inderdanen of ingezeetenen der beide conmiteerende mogendheeden in alle plaatien, aspectivelyk gehoorende onder het gebied en le jurisdictie der weederzydiche mogendhees den hunne eige faaken, zelfs te verrigten; allende deselve wyders, omtrent het gebruik an tolken of makelaars, mitigaders met op igt tot het laaden, of ontladen hunner scheepm, en al het geen daar toe betrekkelyk is, over n weeder op den voet van eige onderdanen, of ten minften in gelykheid met de meest geavoriseerde natie geconfidereert en gehandelt forden.

### ARTICLE X.

De koopvaardy scheepen van een ieder der parthyen, koomende soo wel van een vyandelyke, als eige of neutrale haven, zullen vry mogen vaaren naa eenige haven van een vyand in den anderen bondgenoot; dog verpligt zyn, soo dikwils het gevordert word, haare zebrieven en verdere bescheiden in het vystatwintigste articul beschreeven, zoo wel op Vol. I.

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the twenty-fifth article, stating expressly the their effects are not of the number of those which are prohibited, as contraband and not having any contraband goods for an end my's port, they may freely and without him drance, purfue their voyage towards the por of an enemy. Nevertheless, it shall not be required to examine the papers of veffels convoyed by veffels of war, but credence shall be given to the word of the officer, who shall conduct the convoy. the propertures incorrect

#### ARTICLE XI.

Mode of. when contraband goods are discovered.

If by exhibiting the fea-letters, and other documents, described more particularly in the proceeding twenty fifth article of this treaty, the other party shall discover there are any of those forts of goods, which are declared prohibited, and contraband, and that they are configned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of fuch thip, nor to open any cheft, coffer, packs, cafks; or other veffels found therein, or to remove the fmallest parcel of her goods, whether the faid veffel belongs to the subjects of their High Mightinesses, the States General of the United Netherlands, or to the subjects or inhabitants of the faid United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to fell, exchange, or alienate the fame, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a fentence pronounced, shall have conficated the fame, faving always as well the ship itself, as any other goods found

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k open zee, als in de havens te exhibeeren, expresselyk aantonende, dat haare goederen niet zyn van het getal dier geene, dewelke als eontrabande verbooden zyn, en geene contrabande goederen voor een vyandelyke haven gelaaden hebbende, na de haven van een vyand, haare reize vryelyk en onverhindert mogen vervolgen; dog sal geen visitatie van papieren gevergt worden van scheepen, onder onvoy der oorlog scheepen, maar geloof worden gegeeven aan het woord van den officier, het convoy seidende.

# ARTICLE XLouis

Indien by het vertoonen der zee-brieven en andere bescheiden by het vyf-entwintigste aricul van dit tractaat nader beschreeven, de andere parthy ontdekt, dat er eenige van die foort van goederen zyn, dewelke verbooden en contrabande gedeclareert zyn, en geconfigneert naar een haven onder de gehoorfaemheid van den vyand, zal het niet geoorloft zyn de luyken van zodanig schip op te breeken, of eenige kift, koffers, pakken, kaffen of ander vaat-werk, daar in gevonden wordende te openen of het geringste gedeelte van haare goederen te verplaatsen, het sy sodanige scheepen toebehooren aan de onderdanen van Haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, of aan onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, ten zy de lading aan land gebragt worde in presentie van de officieren van het admiraliteits hoff, en een inventaris van deselve gemaakt, dog sal niet worden toegelaten, om defelve op eenigerhande wyfe te verkoopen, verruilen of veralieneeden, dan, na dat behoorlyke en wettige procedures tegens zodanige verbodene contrabande goede-

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therein, which are to be esteemed free and may not be detained on pretence of their being infected by the prohibited goods, much le shall they be confilcated as lawful prize : but on the contrary, when by the vilitation a land, it shall be found that there are no con traband goods in the veffel, and it shall not a pear by the papers that he who has taken and carried in the wessel has been able to discover any there, he ought to be condemned in all the charges, damages and interests of them, which he shall have caused, both to the owners of vel fels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall at fure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actu. ally in the fervice of an enemy. see he kiff, koffers, pakken, haffen df an-

grederen te verplaaden, doe iv fodanige icheeun trobehooren aan de onderdonen van Hana Hogg Mogende de Staten Ceneraal das ederlanden, of gan ouderd near

# ARTICLE XIL

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Goods found in an enemy's to be conficated, uniels put on board before declaration

On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and this liable inhabitants of either party, on any ship belonging to the enemies of the other, or to their fubjects, although it be not comprehended under the fort of prohibited goods, the whole may be confiscated in the same manner as if it be-

es zullen zyne gehouden, en het admiraliteits hof by cen gepronunticerde fententie dezelve nh hebben geconfiqueert, daar van altoos materidaj zod wel het fehip zelve, als eenige andere goesteren, daarin gevonden wordende. wike wood try werden gehouden, nogte mogen dezelve morden opgehouden, onder voorgeven, dat die, als't ware door de geprohiberde goederen, zouden zyn geinfecteert, red min zullen defelve, als wettige prys worden geconfisqueenth: Maar in tegendeel, wanneer by de vifitatie aan land word beyonden, diter geen contrabande waaren in de scheepen nn, en uyt de papieren niet bleek, dat de neemer en opbrenger, het daar uyt niet had konen ontdekken, zal deselve moeten worden gecondemneert in alle de kosten en schaden, de hy zoo aan de eigenaaren der scheepen, als an de eigenaars en inlaaders der goederen, waar meede de scheepen belaaden zullen zyn, door zyne rukelooze aanhouding en opbrenging der scheepen zal hebben veroorsaakt met einteressen van dien; wordende wel expresseverklaart, dat een vry schip, zal vry maaten de waaren daar ingelaaden, en dat die vryed zig ook zal uitstrekken over de persoonen, die haar zullen bevinden in een vry fchip, ewelke daar uyt niet geligt zullen mogen vorden, ten zy het waren oorlogsluiden in efectiven dienst van den vyand.

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### ARTICLE XII.

In tegendeel is overeengekomen, dat al het gen bevonden zal worden gelaaden te zyn oor de onderdanen en ingezeetenen van een er beide parthyen, in eenig schip de vyanien van den anderen, of aan deszelfs onderlanen toebehoorende, geheel, of schoon niet zynde van de soort van verbodene goederen,

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of war or longed to the enemy; except neverthelessed within fix months al effects and merchandizes as were put on board fuch veffel before the declaration of war, on the space of fix months after it, which effects fhall not be, in any manner, subject to could cation, but shall be faithfully and without de lay restored in nature to the owners who shall claim them, or cause them to be claimed to fore the confifcation and fale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale; which ought to be public : Provided nevertheless that if the faid merchandizes are contraband it shall by no means be lawful to transport them afterwards to any port belonging to ene att ontdekken, and delelre neetest weelm condemneert in the de koller en challen.

# ARTICLE XIII.

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wer neede de lenceren beliede

And that more effectual care may be taken for the fecurity of subjects and people of ether party, that they do not fuffer moleflation from the veffels of war or privateers of to do no in the other party, it shall be forbidden to all commanders of vessels of war and other armif they do, ed vessels of the faid States General of the United Netherlands, and the faid United make repa- States of America, as well as to all their offcers, subjects and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they thall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make fatisfaction for all damages and interests thereof, by repara-

Veffels of war or privateers jury to cither party, to be punithed and ration.

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udges, on for eparamag worden geconfiqueert, op dezelve wys s of het den vyand toequam, uitgesondert zodanige goederen en koopmanschappen, als an boord van zodanig schip gedaan waren roor de oorlogs-declaratie, of binnen fes maanden na deselve, welke goederen in geenendeele confiscatie zullen onderhevig zyn, maar wel en getrouwelyk fonder uytstel aan de egenaers, die deselve voor de confiscatie en erkoop zullen te rug vragen of doen vragen, natura zullen worden gerestitueert, gelyk meede het provenu daar van, indien de redame binnen agt maanden na de verkoping, dewelke publicq zal moeten worden gedan, eerst konde geschieden, dog zoo, dat, infien de gemelde koopmanschappen, contrabande zyn, het geenzints geoorloft zal zyn deselve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

#### ARTICLE XIII.

En ten einde de best mogelyke zorg mag worden gedragen voor de securiteit van de onderdanen en het volk van een der beide arthyen, dat dezelve geen overlast komen te yden van weegens de oorlog-scheepen of kaers van de andere parthy, zullen alle de bevelhebbers van oorlog-scheepen en gewapenle vaartuigen van de voorschreeve Staten Ge-teraal der Vereenigde Nederlanden, en vane gemelde Vereenigde Staten van America, mits gaders alle derfelver officieren onderdaten en volk, verbooden worden eenige beleeiging of schade aan die van de andere zyde be-te-brengen, en zoo zy dien contrarie hanbelen, zullen zy op de eerste klagten, daar over te doen, na behoorlyk ondersoek schuldig bevonden wordende, door haar eige regters gestraft worden, endaar en boven verpligt

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tion, under pain and obligation of ther of het den vyand tocquarisboog bine and dinige goederen en koopmanleh pren, ala

# ARTICLE XIVE Bolto

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privateer, fufficient caution, to fible for their malversations.

For further determining of what has been Captains of faid, all captains of privateers, or fitters-out &c. to give of veffels armed for war, under commission and on account of private persons, hall be be respon held, before their departure, to give suffici ent caution, before competent judges, eithe to be entirely responsible for the malversations which they may commit in their cruizes of voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edito which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the faid commissions.

# ARTICLE XV.

Goods refpirates to be restored.

All vessels and merchandizes of whatsoe cued from ver nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high feas without requifite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port in order to be restored en tire to the true proprietor, as foon as due and fufficient proofs thall be made concerning the property thereof.

# ARTICLE XVI.

If any ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other.

worden satisfactie te geeven voor alle schade, en den interest daar van, door vergoeding onder pæne en verbintenis van hunne personen en goederen.

ARTICLE XIV.

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Tot meerder verklaring van het geen voorschreeve is, zullen alle kaper capiteinen of
rheeders van scheepen op particuliere bestelling en commissie ten oorlog-uitgerust, voor dezelve gehouden zyn, voor derselver vertrek,
goede en sussisiante cautie te stellen voor de competente regters, of in het geheel te verantwoorden de malversatien, die-ze in haare courssen,
of op haare reizen zouden mogen-begaan, en
voor de contraventien van haare capiteinen en
officieren, tegen het tegenwoordig tractaatende
ordonnantien, en edicten, die gepubliceert zullen worden, in kragte, en conform de dispositie van dien, op pœne van verval, en nulliteit
der voorschreve commissien.

### ARTICLE XV.

Alle scheepen en koopmanschappen, van wat natuur dezelve ook zyn, die hernomen zullen worden uyt handen van piratten en zeerovers, sonder behoorlyke commissie op de open zee varende, zullen gebragt worden in eenige haven van eene der beide staten, en zullen aan de bewaring der officieren van die haven worden overgeleevert, ten einde geheel, gerestitueert te worden aan den regten eigenaar, zoodra als behoorlyk en genoegsaam bewys, wegens den eigendom der zelve, zal gedaan zyn.

#### ARTICLE XVI.

Indien eenige scheepen of vaartuigen toebehooreende aan een van beyde de parthyen, hunne onderdanen of ingezeetenen, op de ku-Vol. I. K 2

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In case of thipwreck, relief fhall and goods reflored.

flick upon the fands, or be wrecked or fuffer any other fea-damage, all friendly affiftance and relief shall be given to the persons ship. wrecked, or fuch as shail be in danger thereof; be afforded and the veffels, effects and merchandizes, or the part of them which shall have been faved. or the proceeds of them, if, being perishable, they shall have been fold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the falvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports, for their free and safe pasfage from thence, and to return, each one to his own country. It was a second source to the

#### ARTICLE XVII.

When vefports, &c. they thall be protected and permitted to depart.

In case the subjects or people of either party, with their shipping, whether public and of fels by firefs war, or private and of merchants, be forced of weather, through stress of weather, pursuit of pirates or forced into enemies, or any other urgent necessity for feeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refrest and provide themselves, at reasonable rates, with victuals, and all things needful for the fustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the faid ports or roads, but may remove and deTer

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110 12 12 13 12 13 12 13 iten of dominien van den anderen zullen kemen te stranden, vergaan, of eenige andere zee-schade te lyden, zal alle vriendelyke affistentie en hulp worden gegeeven aan de personen schipbreuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de scheepen, goederen en koopmanschappen, en het geen daarvan ge-borgen zal zyn, of het provenu van dien, by aldien die goederen verderffelyk zynde, zullen weezen verkogt, alle door de schippers of door de eigenaars, of van haare gelaste, of volmagt hebbende, binnen jaar en dag gereclameert wordende, worden gerestitueert; mits betaelende alleen de reedelyke onkosten, en het geen voor bergloon door de eyge onderdanen, in het zelve geval, betaalt moet worden; zullende infgelyks brieven van vrygeley aan hun worden gegeeven, voor hunne vrye en geruste passage van daar, en retour van een ieder na syn eigen land.

# ARTICLE XVII.

Ingevalle de onderdanen of ingezeetenen van een der beide parthyen, met hunne scheepen, het zy publique en ten oorlog varende, of bylondere en ter koopvaardy uitgerust, door only only only on majaaging van zeerovers of vyanden, of eenige andere dringende nood, gedwongen zullen worden, terbekoming van en schuilplaats en haaven, zig te rettreeren en binnen te loopen in eenige der rivieren, creekuen, baayen, havens, rheeden of stranden, toebehoorende aan de andere parthye, zullen dezelve met alle menschlievendheid en goedwilligheid werden ontfangen, en alle vriendelyke protectie en hulp genieten en zal hun worden toegestaan zig te ververschen, en provandeeren, teegens reedelyke pryfen met victuaille, en alle dingen benoodigt tot onder-

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Land Landards velected hebbrander of the

# ARTICLE XVIII.

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definition of the good and and the

In case of war, nine months allowed to citizens refiding in the other's dominion to fell and transport theirestects.

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For the better promoting of commerce, on both fides it is agreed, that if a war should break out, between their High Mightinesses the States General of the United Netherlands, and the United States of America, there shall always be granted to the fubjects on each fide, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawful for them to do, as well as to fell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the faid term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their velfels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at fea, shall be adjudged lawful, at least, if the declaration of war was not or could not be known, in the last port, which the veffel taken, has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the innoud van haare persoonen of reparatie van hunne scheepen, en zy zullen op geenerley rys worden opgehouden, of verhindert uit de gemelde havens of rheeden te vertrekken, maar mogen verzylen en gaan wanneer en gaar het hun behaagt, zonder eenig belet of rethindering.

#### ARTICLE XVIII.

Tot des te beeter voortzetting der weederrdsche commercie, is over eengekomen, dat ndien een oorlog mogt komen te ontstaan, uffchen haar Hoog Mogend e de Staten Genezal der Vereenigde Nederlanden, en de Veeenigde Staten uan America, altyd aan de nderdanen van de een of andere zyde zal orden gegeeven den tyd van neegen maanen, na dato van de rupture of proclamatie van orlog, om haar te mogen retireeren met nare effecten, endezelve te vervoeren, waar het haar believen zal, het welk haar geooroft zal zyn te mogen doen; als meede te moen verkoopen of transporteeren haare goeteren en meubilien in alle vryheid; fonder at men haar daarin eenig belet zal-doen; ook zonder geduurende de tyd van de voorschreeve neegen maanden te mogen procedeeren tot tenig arrest van haare persoonen, maar zullen mteegendeel voor haare scheepen, en effecten, dezy zullen willen meedevoeren worden gegeeven pasporten van vry geleide tot de naeste avenen in elkanders Landen voor den tyd, tot de reizen nodig. Ook zullen geen prysen op zee genomen voor wettig genomen gehouden mogen worden, ten minsten indien de oorlogs-declaratie, niet bekent was geweest of had kunnen zyn in de haven, die het geenoome chip het laast heeft verlaten, maar zal voor al, het geen aan de onderdanenen ingezetenenen

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#### ARTICLE XIX.

Citizens of commifters of marque from a prince or state with visiom the other is at

No subject of their High Mightinesses the neither par- States General of the United Netherlands, shall cythail take apply for or take any commission or letters of sions or let- marque, for arming any ship or ships to act a privateers against the faid United States of America, or any of them, or the subjects and inhabitants of the faid United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the faid United States of America may happen to be at war; nor shall any subject or inhabitant of the faid United States of America. or any of them, apply for or take any commilfion or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any prince or state with which their High Mightineffes may be at warf: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a

#### ARTICLE XX.

If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the faid allies, but not an weederfyd en binnen de voorschreeve ternynen, ontnomen mogt zyn, en de beleediginen, die hun aangedaan zouden mogen zyn, olkoomen satisfactie gegeeven worden.

#### ARTICLE XIX.

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Geen onderdaan van haar Hoog Mogende Staten Generaal der Vereenigde Nederlanen, zullen mogen versoeken of aanneemen mige commission, of lettres de marque tot et wapenen van eenig schip, of scheepen, ten inde als kapers te ageeren teegens de gemelde lereenigde Staten van America of eenige der elve, of teegens de onderdanen of ingezeeteen der gemelde Vereenigde Staten, of eenige er zelve, van eenige prins of staat, met wien evoorschreeve Vereenigde Staten van Amerain oorlog mogten zyn; nochte zal eenige oderdaen of ingezeeten van demelde Verecigde staten van America, of eenige derfelve, enige commissie off lettres de marque versoeen of aanneemen, tot het wapenen van eenig thip of scheepen, om ter kaap te vaaren teeens de Hoog Mogende Heeren Staten Geneal der Vereenigde Nederlanden, of tegens emderdanen of ingezeetenen van gemelde har Hoog Mogende, of eenige van deselve, f den eigendom van eenige derzelve, van mige Prins of Staat, met wien haar Hoog logende in oorlog zullen zyn; en indien mig persoon van een van beide natien zodage commissie of lettres de marque zal aantemen zal deselve als een zeerover worden eltraft.

### ARTICLE XX.

De scheepen der onderdanen of ingezeeteen van een van beide de parthyen, komende meenige kust, toebehoorende aan de een of

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ing on the coaft or entering the ports of either party, how to be treated.

Veffelscom- willing to enter into port, or being entered into port and not willing to unload their car. goes or break bulk, or take in any cargo, the shall not be obliged to pay, neither for the vessels nor the cargoes, any duties of entry in or out, or to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

#### ARTICLE XXI

Confuls, &c. to be allowed in the ports of each nation.

Thetwo contracting parties grant to each other mutually, the liberty of having each in the ports of the other, confuls, vice-confuls, agents and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses, to make fuch appointments.

# ARTICLE XXII.

not to de. France.

This treaty shall not be understood in any This treaty manner to derogate from the ninth, tenth, rogate from nineteenth and twenty-fourth articles of the treaty with treaty with France, as they were numbered in the fame treaty, concluded the fixth of February 1778, and which make the articles ninth, tenth, feventeeth and twenty-fecond of the treaty of commerce now fubfifting between the United States of America, and the crown of France: nor shall it hinder his Catholic Majesty from acceding to that treaty, and enjoying the advantages of the faid four articles.

### ARTICLE XXIII.

If at any time the United States of America fhall judge necessary to commence negociations tel

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andere der gemelde bondgenooten, doch nief voorneemens zynde in een haven binnen te loopen, of binnen geloopen zynde, en niet begeerende hunne ladingen te lossen, of last te breeken, of by te laden, zullen niet gehouden zyn voor haare scheepen of laadingen eenige inkomende, of uitgaende regten te betalen nog eenige reekenschap van haare ladingen te geeven, ten minsten indien er geen wettig vermoeden is, dat zy aan een vyand toevoeren koopmanschappen van contrabande.

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#### ARTICLE XXI.

De twee contracteerende parthyen vergunnen over en weeder aan elkanderen de vryheid, om ieder in de havens van den anderen, conluls, vice-confuls, agenten en commissarissen van hunne eigen aanstelling te hebben, welkers functien gereguleert zullen worden by particuliere overeenkomst, wasneer ooit eene der beide parthyen goedvind zodanige aanstelling te doen.

#### ARTICLE XXII.

Dit tractaat zal in geenerhande opfigten verfran worden te derogeeren aan de 9, 10, 19
en 24 articulen, van het tractaat met Vrankryk. soo als die genummert zyn geweest in
het zelve tractaat den 6 February, 1778, geslooten, zynde de 9, 10, 17 en 22 articulen
van het tractaat van commercie, soo als het nu
in kragt is, tusschen de Vereenigde Staten van
America en de kroon van Vrankryk: en zal
mede niet beletten, dat syne Catholicque Majesteit aan t'selve zoude accedeeren, en van
het beneficie der gemelde vier articulen jouisseeren.

### ARTICLE XXIII.

By aldien de Vereenigde Staten van Amenca, t'eeniger tyd nodig mogten vinden, om Vou, I, L 3

therlands to aid the U. States in forming treaties with the Barbary powers.

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with the King or Emperor of Morecco and Fez, and with the Regencies of Algiers, To United Ne- nis or Tripoli, or with any of them, to obtain pallports for the lecurity of their havigation in the Mediterranean fea, their High Mightineste promile that upon the requisition which the United States of America shall make of h they will fecond fuch negociations in the mon favourable manner, by means of their cohles. reliding hear the faid King, Emperor and the gencies.

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#### ARTICLE XXIV.

The liberty of navigation and commend What goods shall extend to all forts of merchandizes, excontraband. cepting only those which are difting uiffed w der the name of contraband, or merchandia prohibited: and under this denormation of contraband and merchandizes prombited, in be comprehended only war-like from an arms, as mortars, artillery, with their artifice and appurtenances, funis, pritols, bombs, grenades, gun-powder, faltpetre, fulphur, mich, bullets and balls, pikes, lables, lances, the berts, calques, cuiralles, and biller lons arms; as also foldiers, horfes, fadeles, Furniture for horses; all other effects merchandizes, not before Theelfiell capiell and even all forts of haval matters, howers proper they may be for the confirmation equipment of vellels of war, or for the facture of one or another fort of machine war by land or fea, fhall not be judged contin band, neither by the letter, nor according any pretended interpretation whatever, beg they, or can they be comprehended under notion of effects prohibited or contraband. that all effects and merchandizes, which

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by den koning of keizer van Marocoo of Fez, mitsaders by de regeringen van Algiers, Tunis of Tripoli, of by cenize van dezelve, negotiatien to entameeren tot het verkrygen van pasporten, ter beveiliging van hunne navigatie op de Middelandsche zee, zoo beloven haar Hoog Magende op het aanzoek van Hoogstgedagte Vereenigde Staten, die negotiatien door middel van hunne by den voorschreeve koning of keizer en regeeringen, resideerende consuls op de favorabelste wyze te zullen secondeeren.

#### ARTICLE XXIV.

De vryheid van navigatie en commercie zal zig uit strekken tot alle foorten van koopmanschappen, uitgesondert alleen deeze, welke onterscheiden zwn onder den naam van contrahande of verbodene goederen: en onder deeze benoeming van contrabande of verbodene goederen, zullen alleen begreepen zyn de oorlogs mmunitien, of wapenen, als mortieren, geschut met zyne vuurwerken, en het geen daar mebehoort; geweeren, pistoplen, bomben, granaden, buspulver, salpeeter, zwavel, lonten, koogels, pieken, zwaarden, lancien, helbaarden, cafquetten, cuirassen, en diergelyk hort van wapentuig, ook foldaten, paarden, zadels, en toerusting van paarden. Alle andere goederen en koopmanschappen, hier boven niet uitdrukkelyk gespecificeert, jaa selfs alle soorten van scheepsmaterialen, hoe zeer dezelve ook zouden mogen zyn geschikt, tot bet bouwen of equipeeren van oorlogscheepne, of tot het maken van het een of ander oorlogituig, te water of te lande, zullen mits dien nog volgens den letter, nog volgens eenige voor te wende interpretatie van dezelve, hoe ook genaamt onder verboodene of

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not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked or invested; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

# ARTICLE XXV.

Regulations respecting passports,

To the end that all diffention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the fubjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property and the burthen of the veffel, as also the name and the place of abode of the master, or commander of the faid veffel, to the end, that thereby it may appear, that the veffel really and truly belongs to fubjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty, each time that the veffel shall return, she should have such her passport renewed, or at least, they ought not to be of more ancient date than two years, before the yeffel has been returned to her own country

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contrabande goederen, begreepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanschappen, hier boven niet uit drukkelyk genoemt, sonder eenig onderscheid zullen mogen worden getransporteert en vervoert in alle vryheid, door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatsen, aan den vyand toebehoorende, zodanige steeden of plaatsen alleen uitgesondert, welke op die tyt beleegert, geblocqueert of geinvesteert zyn, waar voor alleenlyk worden gehouden de zulke, die door een der oorlogvoerende mogendheeden van na by ingeslooten worden gehouden.

# ARTICLE XXV.

Ten einde alle dissentie en twist mag werden vermyd en voorgekomen, is over een gekomen, dat ingeval een van beide de parthyen in oorlog mogt komen te geraken, de scheepen en vaartuigen, toebehoorende aan de onderdanen of ingezeetenen van de andere geallieerde, met zee-brieven of pasporten, moeten werden voorsten, expresseerende den naam, egendom en de groote van het schip of vaartuig, als meede den naam, plaats, of woninge van den schipper of bevelhebber van het gemelde schip of vaartuig, ten einde daar by mag blyken, dat het schip reëel en in waarheid aan de onderdanen of ingezeetenen van eene der parthyen toebehoord, welk pasport zal worden opgemaakt en uitgegeeven, volgens het formulier, agter dit tractaat gevoegt. Deselve zullen ieder reize, dat het schip thuys is geweest op nieuw verleent moeten zyn, of ten minsten niet ouder mogen zyn, als twee jaar, voorde tyd, dat het schip laast is thuys geweest.

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It has been also agreed, that such vessels being loaded, ought to be provided not only with the faid passports or fea letters, but also with a general passport, or with particular past ports or manifelts, or other public documents, which are ordinarily given to veffels outward bound in the ports from whence the reffels have fet fail in the last place, containing a frecification of the cargo, of the place from whence the veffel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband, on board the veffels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to expres in the faid documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

#### ARTICLE XXVI.

How flips and veffels are to be treated, when met by flips of war or privateers. If the vessels of the said subjects or inhabitants of either of the parties, falling along the coasts or on the high seas, are met by a vessel of war, or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner, upon which they may not pass more

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Het is infgelyks vaftgeftelt, that zodanige scheepen of vaartuigen gelaaten zynde, moeth weezen voorfien, met alleen met pasporten of zeebrieven bovengemeld; maar ook met en generaal pasport of particuliere pasporten, of manifesten, of andere publicque documenen, die in de havenen, van waar de schoepen haft gekomen zyn, gewoonlyk gegeeven wonten aan de uitgaende scheepen, inhoudende een specificatie van de lading de plaats van waar het schip gezeild is, en waar heenen het gedestineert is, of by gebreeke van alle deselve met certificaten van de magistraten of gouverneurs der steeden, plaatsen en colonien, van waar het schip vertrokken is, in de gewoonde form gegeeven, op dat geweeten kan worden, of eenige verboode of contrabande goederen, an boord van de scheepen zyn, en of zy daar meede ma's tyands landen gedellineert gyn, of met. En by aldien liemand goetdunkt of madzaem vind, om in de gemelde belcheiden mi te drinkken de persoonen, aan wien de aan boord zynde goederen tookomen, vermag hy zulks vryelyk te doen, fonder legter daar toe gehouden te fyn, of dat gebrek van die uitdrukking gelegenheid tot conficatie kan of mag igoeven.

#### ARTICLE XXVI.

Indien de scheepen of vaarruigen van de gemelde onderdanen of ingezeerenen van een
van beide de parthyen, zeilende langs de kusten off in de open zee, ontmoet zullen worden door eenig schip van oorlog, kaper, of
gewapend vaartuig van de andere parthy, zullen de gemelde orlog-scheepen, kapers of gewapende vaartuigen tet vermiding van alle disordre, buiten besten wan het geschut bleven,
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than two or three men, to whom the master or commander shall exhibit his passport, contain ing the property of the veffel, according to the form annexed to this treaty: And the veffel, after having exhibited fuch a paffport, fea-letter and other documents, shall be free to continue her voyage, so that it shall not be lawful to moleft her, or fearch her in any manner, nor to give her chace nor to force her to alter her an specificatio van de fading courfe.

#### ARTICLE XXVII.

It shall be lawful for merchants, captains and commanders of veffels, whether public and of war, or private and of merchants, belonging Lawful for to the faid United States of America, or any of them, or to their subjects and inhabitants, to take freely into their fervice, and receive on board of their veffels, in any port or place in the jurisdiction of their High Mightinesses aforefaid, seamen or others, natives or inhabitants of any of the faid states, upon fuch conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process or reprehension whatsoevers

merchants and commanders of veffels to take intotheir fervice feamen and others belonging to either nation,

> And reciprocally, all merchants, captains and commanders, belonging to the faid United Netherlands, shall enjoy, in all the ports and

an het koopvaardy schip, welke zy op die ys zullen ontmoeten, en op het zelve mogen overgaan ten getalle alleen van twee a drie nan, aan wien de schipper of bevelhebber van rodanig schip of vaartuig zyn pasport zal vermonen, inhoudende den eigendom van het chip of vaartuig ingevolge het formulier, ager dit tractaat gevoegt, en zal het schip of vartuig na de vertoonig van dufdanig pasport, ze-brief en verdere bescheiden vry en liber zyn, om defzelfs reis te vervolgen, zoo dat niet geoorloft zal zyn het zelve op eenigerlande wyze te molesteeren of doorzoeken, nog jagt op haar te maken, of het felve te breeren, haare voorgenomen cours te verlaten.

#### ARTICLE XXVII.

Het zal geoorloft zyn aan kooplieden, ca piteins, en bevelhebbers van scheepen, het zy publicque en ten oorlog, of particuliere en er koopvardy vaarende, toebehoorende aan de gemelde Vereenigde Staten van America, of eenige van dezelve, of aan de onderdanen ningezeetenen van eenige derzelve, vryelyk in anne dienst aan te neemen, en aan boord an haare gemelde scheepen te ontfangen, in dere der havens of plaatfen onder de jurifictie van voornoemde Haar Hoog Mogende, enige bootsgezellen of anderen, zynde inboorlingen of imgezeetenen van eenige der gemelde Staten, op zulke voorwaarden, als zal terden overeen gekomen, zonder daar voor an eenige boete, poene, straffe, proces of berping hoegenaamt onderheevig te zyn.

En zullen reciproquelyk alle kooplieden, apiteinen en bevelhebbere van scheepen, behoorrende tot de voorschreeven Vereenigde Vol. I. M 3

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places under the obedience of the faid United States of America, the same privilege of engaging and receiving feamen or others, na tives or inhabitants of any country of the denomination of the faid States General: Provided, that neither on one fide nor the other. they may not take into their fervice such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or lea; at least if the captains or mafters under the command of whom fuch persons may be found, will not of his own confent discharge them from their fervice; upon pain of being otherwise treated and punished as deferters. ARTICLE XX

# ARTICLE XXVIII.

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The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

# ARTICLE XXIX.

Ratifica-

The present treaty shall be ratisfied and approved by their High Mightinesses the States General of the United Netherlands, and by the United States of America; and the acts of ratisfication shall be delivered, in good and due form, on one side and on the other, in the

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Nederlanden, in alle de havens en plaatsen, onder het gebied van de gemelde Vereenigde Staten van America, het zelve voorregt genieten tot aanneeming en ontfangen van bootfgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der domeinen van de gemelde Staten Generaal, met dien verstande, dat men nog aan de eene nog aan de andere zyde zig zal mogen bedienen van zodanige zyner landsgenooten, die zig reeds in dienst van de andere contracteerende parthye, het zy ten oorlog het zy op koopvaardy scheepen, heeft geëngageert, het zy men deselve aan de vaste wal, dan wel in zee zoude mogen ontmoeten, ten minsten indien de capiteinen of schippers, onder wiens bevel zodanige perfoonen zig mogten bevinden, defelve niet vrywillig uit hunnen dienst wilde ontslaan, oppæne dat dezelve anderfints op den voet van weglopers zullen worden behandelt, en gestraft.

# ARTICLE XXVIII.

De toeleg voor refractie zal in alle redelykheid en billyheid worden gereguleert by de magistraten der respective steeden, alwaar men oordeelt, dat eenige bezwaaren desweegens plaets hebben.

#### ARTICLE XXIX.

Het tegenwoordig tractaat werden geratificeert en geapprobeert by Hoogstgemelde Staten Generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staten van America, en zullen de acten van ratificatien van de eene en de anderezyde in goede en de behoorlyke forme worden overgeleeverd binnen den tyd van zes maanden, ofte eerder zo het

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fpace of fix months, or fooner if possible, to be computed from the day of the fignature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Minister Plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have figned the present treaty, and opposed thereto the seals of our arms.

Done at the Hague the eighth of October, one thousand seven hundred and eightytwo.

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(L. S.) John Adams.

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Ten oirkonde deezes, hebben wy Gedeputeerden, en Plenipotentiarissen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Minister Plenipotentiaris der Vereenigde Staten van America, uitkragte van onze respective authorisatie en plein pouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage den agtsten October, een duyfent seeven hondert twee en tagtig.

- (L. s.) George Van Randwyck.
- (L. s.) B. V. D. Santheuvel.
- (L. s.) P. V. Bleifwyk.
- (L. S.) W. C. H. Van Lynden.
- (L. s.) D. I. Van Heeckeren.
- (L. S.) Joan Van Kuffeler.
- (L. S.) F. G. Van Dedem, tot den Gelder.
- (L. s.) H. Tjaffens.

#### ORIGINAL.

# CONVENTION

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Between the Lords the States General of the United Netherlands, and the United States of America, concerning Veffels re-captured.

THE Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessels of war, and commissioned by the two contracting powers, upon their common enemies, and to veffels of the subjects of either party, captured by the enemy, and recaptured by vessels of war commissioned by either party, have agreed upon the following articles.

#### ARTICLE L

When vef-Sels of cicaptured how they shall be re-Rored.

The veffels of either of the two nations recaptured by the privateers of the other, shall ther nation be restored to the first proprietor, if such vel shall be re- fels have not been four and twenty hours in the power of the enemy, provided the owner of the veffel re-captured, pay therefor on third of the value of the veffel, as also of tha of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agre thereon among themselves, they shall addre themselves to the officers of the admiralty, the place where the privateer who has re-take the veffel shall have conducted her.

ORIGINAL.

A 100 - 13

# CONVENTIE

Tuffchen de Heeren Staten Generaal der Vereenigde Nederlanden en Vereenigde Staten van America, rakende de hernomen Scheepen.

DE Heeren Staten Generaal der Vereenigde Nederlanden, en Vereenigde Staten van America, geneegen fynde, eenige gelykvormige grond beginzelen vast te stellen,
omtrent het opbrengen van prysen, door de
oorlogscheepen en commissievaarders van wedersyds contracteerende parthyen, op derselver gemeene vyanden genomen, en omtrent
de scheepen van elkanders onderdanen, door
den vyand genomen, en by de oorlogscheepen
en commissievaarders van weederzyden hernomens zyn met den anderen over eengekomen,
omtrent de navolgende articulen.

ARTICLE I.

De scheepen van eene der beide natien door lapers van den andere hernomen, zullen aan den eersten eigenaer wedergegeeven worden, mdien die scheepen nog geen vier en twintig wren in de magt van den vyand geweest zyn, mits door den eigenaer van het hernoome thip daar voor betaald worde een derde van te waarde van het schip mitsgaders van de ading, canons, en scheepstoerustingen, welk lerde in der minne begroot zal worden door le geinteresseerde parthyen; of andersints, en 00 zy defweegens niet over een konden koen, zullen zy zich adresseeren aan de bedinden der admiraliteit van de plaats alwaar de aper die het schip hernomen heeft, het zelve al hebben opgebracht.

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### ARTICLE II.

If the veffel re-captured has been more than When they twenty-four hours in the power of the enemy, fhall belong fhe shall belong entirely to the privateer who to the recaptor. has re-taken her.

#### ARTICLE III.

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When recaptured by veffels of war, they shall be restored.

In case a vessel shall have been re-captured by a veffel of war, belonging to the States-General of the United Netherlands, or to the United States of America, the shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if the has been re-captured in the interval of twenty-four hours, and the tenth part if she has been re-captured after the twenty. four hours; which fums shall be distributed in form of gratifications to the crews of the veffels which shall have re-taken her. The valuation of the faid thirtieth parts and tenth parts, shall be regulated according to the tenor of the first article of the present convention.

### ARTICLE IV.

De fencepen van eene der beide nation door

to be made in reasonable time.

The restitution of prizes, whether they may Resistation have been retaken by vessels of war or by privateers, in the mean time and until requifite and fufficient proofs can be given of the property of vessels re-captured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

#### ARTICLE V.

The veffels of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports

#### ARTICLE II.

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Indien het hernomen fchip langer dan vier en twintig uuren in's vyands magt geweest is, zal het in'tgeheel aan den kaper, die het zelve hernomen heest, toebehooren.

ARTICLE III. 1 : soremino

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Ingevalle een schip zal hernomen geweest zyn door een oorlog-schip of vaartuig, toebehoorende aan de Staten Generaal der Vereemede Nederlanden of aan de Vereenigde Staten van America, zal het zelve aan den eerften eigenaer wedergegeeven worden, mits betalende een dertigste gedeelte van de waarde van het schip en deszelfs laading, canons, en scheepstoerustingen, by aldien het binnen de vier en twintig uuren hernomen is, en het tiende gedeelte zoo het man de vier en twintig uuren hernomen is: welke sommen als een gratificatie verdeeld zullen worden onder de equipagien van de scheepen die het zelve hernomen zullen hebben. De begroting der bovengemelde dertigste, en tiende gedeeltens zal gereguleerd worden naar luid van het eerste articul der jegenswoordige conventie.

ARTICLE IV.

De restitutie der pryzen het zy door oorlogscheepen of kapers hernomen, zal ondertusschen en tot dat behoorlyk en voldoende bewys van dat eigendom der hernomen scheepen gegeeven kan werden, onder sussisante cautie wegens het nakomen der bovenstaande articulen, binnen een reedelyken tyd geadmitteert werden.

# ARTICLE V.

De oorlog en kaper scheepen van de eene en de andere der beide natien zullen wederzyds, zoo in Europa als in de andere weereldsdeelen in elkanders respective havens toegelaten worden met hunne pryzen, welke aldaar Vol. L. N 3

Weffels of war and privateers to be admitted with into the ports of both nations.

of each, with their prizes, which may be un. loaded and fold according to the formalities used in the state where the prize shall have been conducted, as far as may be confiltent with the twenty-fecond article of the treaty of their prizes commerce : Provided always, That the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewife, that of prizes made by American veffels, shall be judged according to the laws and regulations determined by the United States of America.

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#### ARTICLE VI.

Rach nation may make regulations.

Moreover, it shall be free for the States-General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective velfels and privateers ought to hold in relation to the veffels which they shall have taken and conducted into the ports of the two powers.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, figned these presents, and confirmed the fame with the feal of our arms.

ad decrease as recommended

Done at the Hague, the eighth of October, one thousand seven hundred and eightytwo.

(L. S.)

John Adams.

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zullen mogen ontladen en verkocht worden; naar de formaliteiten gebruikelyk in den staat; alwaar de prys zal weezen opgebragt, soo verhet bestaanbaar is met het 22ste articul van het tractaat van commercie; met dien ver stande, dat de wettigheid der prysen door Nederlandsche scheepen gemaakt zal beslist worden, naar luid der wetten en reglementen, ter deezer zake in de Vereenigde Neederlanden, vast gesteld, gelyk ook die der pryzen door Americaansche scheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementem by de Vereenigde Staten van America bepaald.

ARTICLE VI.

Voor het overige zal het aan de Staten Generaal der Vereenigde Nederlanden, als meede aan de Vereenigde Staten van America vry staan, zodanige reglementen te maken als zy zullen oordeelen te behooren; met betrekking tot het gedrag't geen hunne scheepen en kapers weedersyds verpligt zullen weezen te houden, ten opzigt der scheepen die zy genomen, en opgebragt zullen hebben in de havens der beide mogendheeden.

Ten oirkonde deezes, hebben Wy Gedeputeerden en Plenipotentiarissen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Minister Plenipotentiaris der Vereenigde Staten van America, uyt kragt van onze respective authorisatie en plein pouvoir, deeze onderteekent en met onze gewoone ca-

chetten bekragtigt.

sedaan in's Hage, den agtsten October, een duysent seeven houdert twee en tagtig.

(L. s.) George Van Randwyck. (L. s.) B. V. D. Santheusel.

(L. s.) P. V. Bleifwyk.

(L. s.) W. C. H. Van Lynden:

(L. s.) D. J. Van Heeckeren:

(L. s.) Joan Van Kuffeler.

(L. S.) F. G. Van Dedem, tot den Gelder.

(L. S.) H. Tjaffens.

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#### ORIGINAL

# Provisional Articles

BETWEEN THE

UNITED STATES OF AMERICA,

AND

HIS BRITANNIC MAJESTY.

# ARTICLES

breed upon, by and between Richard Ofwald, Equire, the Commissioner of His Britannic Majesty, for treating of Peace with the Commissioners of the United States of America, in Behalf of his faid Majefty, on the one Part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the faid States, for treating of Peace with the Commissioner of His faid Majesty, on their Behalf, on the other Part, to be inferted in, and to constitute the Treaty of Peace, proposed to be concluded between the Crown of Great-Britain and the faid United States; but which Treaty is not to be concluded until Terms of · Peace shall be agreed upon between Great-Britain and France; and His Britannic Majesty shall be ready to conclude such Treaty accordingly.

WHEREAS reciprocal advantages and mutual convenience are found by excience to form the only permanent foundation of peace and friendship between states; is agreed to form the articles of the proposed

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treaty, on fuch principles of liberal equity and reciprocity, as that partial advantages (those feeds of discord) being excluded, such a bene. ficial and fatisfactory intercourse between the two countries may be established, as to promife and fecure to both perpetual peace and harmony.

#### ARTICLE I.

United States acknowledged to be free, fovereign and independent.

His Britannic Majesty acknowledges the faid United States, viz. New-Hampshire, Malfachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, fovereign and independent States; that he treats with them as fuch; and for himfelf, his heirs and fucceffors, relinquishes all claims to the government, propriety and territorial rights of the fame, and every part thereof. And that all disputes which might arise in future, on the subject of the boundaries of the faid United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz.

## ARTICLE II.

From the north-west angle of Nova-Scotia, Boundaries viz. that angle which is formed by a line, drawn due north from the fource of St. Croix river to the Highlands; along the faid Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latiand

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unde, until it strikes the river Iroquois Ca. Boundaries taraquy; thence along the middle of faid ri- established. ver into Lake Ontario, through the middle of faid lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of faid communication into Lake Erie, through the middle of faid lake unnd it arrives at the water-communication between that lake and Lake Huron; thence along the middle of faid water-communication into the Lake Huron; thence through the middle of faid lake to the water-communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeaux, to the Long lake; thence through the middle of faid Long Lake, and the water-communication between it and the Lake of the Woods, to the faid Lake of the Woods; thence through the faid lake to the most north-western point thereof, and from thence on a due west course to the river Miffifippi; thence by a line to be drawn along the middle of the faid river Missisppi until it hall interfect the northernmost part of the thirty-first degree of north latitude. South by aline to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouchi; thence along the middle thereof to its junction with the Flint river; thence traight to the head of St. Mary's river; and thence down along the middle of St. Mary's liver to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the

rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence, comprehending all islands withint wenty league of any part of the shores of the United State, and lying between lines to be drawn due of from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the Bay of Fundy and the Atlanticocean, excepting such islands as now are, or hereofore have been within the limits of the fall province of Nova-Scotia.

#### ARTICLE HL 1 neewist

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Right of fillery fe-

It is agreed that the people of the United States shall continue to enjoy unmolefied the right to take fish of every kind on the Gran Bank, and on all the other banks of Newfound land; also in the gulph of St. Lawrence, and at all other places in the fea, where the inhabi tants of both countries ufed at any time here tofore to fish; and also that the inhabitants the United States thall have liberty to tak fish of every kind on fuch part of the coall of Newfoundland as British fishermen shall w (but not to dry or cure the fame on that ifland) and also on the coasts, bays and creeks of a other of his Britannic Majetty's dominions America: and that the American fisherme thall have liberty to dry and cure fift in any the unfettled bays, harbours and creeks of No va-Scotia, Magdalen illands, and Labrador, long as the fame fhall remain unfettled; but foon as the fame or either of them shall feetled, it shall not be lawful for the faid fifthe men to dry or cure fifth at fuely fettlemen without a previous agreement for that purpo with the inhabitants, proprietors or poffello of the ground.

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It is agreed that creditors on either fide, hall meet with no lawful impediment to the be paid. recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

# ARTICLE V.

It is agreed that the Congress shall earnestly congress recommend it to the legislatures of the respect to recomtive states, to provide for the restitution of all the state estates, rights and properties, which have been restitution of confiscaand also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the faid United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain welve months, unmolested in their endeavours bobtain the restitution of such of their estates, lights and properties, as may have been conficated; and that Congress shall also earnestly recommend to the several states a reconsidertion and revision of all acts or laws regarding the premises, so as to render the said laws or the perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the bleffings of peace bould univerfally prevail. And that Congress all also earnestly recommend to the several ates, that the estates, rights and properties of ich last mentioned persons, shall be restored them, they refunding to any persons who by be now in possession, the bona side price there any has been given) which fuch perons may have paid on purchasing any of the id lands, rights or properties, fince the con-VOL. L.

fiscation. And it is agreed, that all persons who have any interest in confiscated lands either by debts, marriage fettlements, or other wife, thall meet with no lawful impediment in the profesution of their just rights.

ARTICLE VI.

No further confical ti us or profecutions.

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That there shall be no future confiscations made, nor any profecutions commenced against any person of persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall on that account, fuffer any future loss or damage, either in his person, liberty or property, and that thefe who may be in confinement on fuch charges, at the time of the ratification of the treaty in America, thall be immediately fet at liberty, and the profecutions fo commenced be discontinued.

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ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the fubjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides withdrawn fhall be fet at liberty, and his Britannic Majesty shall with all convenient speed, and without caufing any destruction, or carrying away any negroes or other property of the Amencan inhabitants, withdraw all his armies, garrisons and fleets from the faid United States, and from every port, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the faid states, or their citizens, which in the course of the war may have fallen into the hands of

Hostilities to ceafe, & British ar mies to be

his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

#### ARTICLE VIII.

The navigation of the river Missisppi, from Navigationits fource to the ocean, shall for ever remain of the Migfree and open to the subjects of Great-Britain, finppito be free to both and the citizens of the United States.

#### ARTICLE IX.

In case it should so happen that any place or territory belonging to Great-Britain or to Conquelts the United States, should be conquered by before arthe arms of either from the other, before the these artiarrival of these articles in America, it is agreed, cles in Athat the same shall be restored without difficul- berestoredty, and without requiring any compensation.

DONE at PARIS, the thirtieth day of November, in the year one thousand seven bundred and eighty-two.

> RICHARD OSWALD, (L. S.) JOHN ADAMS. (L. s.) B. FRANKLIN, (L. S.) JOHN JAY, (L. S.) HENRY LAURENS,

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CALEB WHITEFOORD, Secretary to the British Commission.

W. T. FRANKLIN, Secretary to the American Commission.

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# UNITED STATES OF AMERICA

# HIS BRITANNIC MAJESTY.

In the Name of the Most Holy and Undivided Trinity.

IT having pleafed the Divine-Providence to dispose the hearts of the most serene and most potent Prince GEORGE the Third, by the Grace of God King of Great-Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c. and of the UNITED STATES OF AMERICA, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendthip which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this defirable end, already laid the foundation of peace and reconciliation, by the provisional articles, figned at Paris, on the

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thirtieth of November, one thousand feve hundred and eighty-two, by the commission. ers empowered on each part, which articles were agreed to be inferted in, and to confitute the treaty of peace proposed to be con. cluded between the crown of Great-Britain and the faid United States, but which treaty was not to be concluded until terms of peace agreed upon between Greatfhould be Britain and France, and his Britannic Majelly should be ready to conclude fuch treaty accordingly; and the treaty between Great-Britain and France, having fince been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to fay, His Britannic Majelly on his part, David Hartley, Esquire, Member of the Parliament of Great-Britain; and the faid United States on their part, John Adams, Efquire, late a Commissioner of the United States of America at the Court of Verfailles, late Delegate in Congress from the state of Massachusetts, and Chief Justice of the said state, and Minister Plenipotentiary of the faid United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esquire, late Delegate in Congress from the state of Pennsylvania, Prefident of the Convention of the faid state, and Minister Plenipotentiary from the United States of America at the Court of Verfailles; John Jay, Esquire, late President of Congress, and Chief Justice of the state of New-York, and Minister Plenipotentiary from the faid United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and

figning the prefent definitive treaty; who affer having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

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### ARTICLE I.

His Britannic Majesty acknowledges the faid United States, viz. New-Hampshire, Massa- States acchusetts-Bay, Ruode-Island and Providence knowledg-Plantations, Connecticut, New-York, New- indepen-Jersey, Pennsylvania, Delaware, Maryland, dent. Virginia, North-Carolina, South-Carolina, and Georgia, to be free, fovereign and independent States; that he treats with them as fuch; and for himself, his heirs and succesfors, relinquishes all claims to the government, propriety and territorial rights of the fame, and every part thereof.

## ARTICLE II.

And that all disputes which might arise in future, on the subject of the boundaries of the Boundaries faid United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. From the north-west angle of Nova-Scotia, viz. that angle which is formed by a line, drawn due north from the fource of Saint Croix river to the Highlands; along the faid Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of faid river into Lake Ontario, through the middle of faid lake until

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Toundaries it strikes the communication by water between that lake and Lake Erie; thence along the middle of faid communication into Lake Eric through the middle of faid lake until it arrive at the water-communication between that lake and Lake Huron; thence along the middle of faid water-communication into the Lake Huron; thence through the middle of faid lake to the water-communication between that lake and Lake Superior; thence through Lake Superior northward of the ifles Royal and Philipeaux, to the Long Lake; thence through the middle of faid Long Lake, and the water communication between it and the Lake of the Woods, to the faid Lake of the Woods; thence through the faid Lake to the most north-western point thereof, and from thence on a due west course to the river Mis fifippi; thence by a line to be drawn along the middle of the faid river Missisppi until it shall interfect the northernmost part of the thirtyfirst degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its fource, and from its fource directly north to the aforefaid Highlands which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence: comprehending 'all islands within twenty leagues of any part of

the shores of the United States, and lying beween lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting fuch islands as now are, or heretofore have been within the limits of the faid province of Nova-Scotia.

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#### ARTICLE III

It is agreed that the people of the United States Right of hall continue to enjoy unmolested the right to fishery fee take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the fea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coafts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsetded bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the faid fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

# ARTICLE IV.

It is agreed that creditors on either fide, hall meet with no lawful impediment to the Vol. I.

Debts to be recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

#### ARTICLE V.

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Congress
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restitution
of confiscated estates.

It is agreed that the Congress shall earned ly recommend it to the legislatures of the relpective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British sub jects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the faid United States. And that persons of any other description sall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confifcated; and that Congress had also earnestly recommend to the several state a reconsideration and revision of all acts or laws regarding the premifes, fo as to render the faid laws or acts perfectly confistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blesfings of peace should universally prevail. And that Congress shall also earnestly recommend to the feveral states, that the estates, rights and properties of fuch last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which fuch persons may have paid on purchas ing any of the faid lands, rights or properties, fince the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage fettlements,

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or otherwise, shall meet with no lawful impeliment in the profecution of their just rights.

## ARTICLE VI.

That there shall be no future confiscations made, nor any profecutions commenced against conficaany person or persons for, or by reason of the tions or part which he or they may have taken in the profecupresent war; and that no person shall, on that account, fuffer any future loss or damage, either in his person, liberty or property; and hat those who may be in confinement on such charges, at the time of the ratification of the reaty in America, shall be immediately set at liberty, and the profecutions fo commenced be discontinued.

# ARTICLE VII.

There shall be a firm and perpetual peace Hostitice between his Britannic Majesty and the said to cose, & States, and between the subjects of the one British arand the citizens of the other, wherefore all hof withdraw. tilities, both by fea and land, shall from henceforth cease: all prisoners on both fides shall be let at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing my destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrifons and fleets from the faid United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the faid states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

#### ARTICLE VIII.

The navigation of the river Missisppi, from Navigation its fource to the ocean, shall for ever remain mipi to be free and open to the subjects of Great-Britain, free to both and the citizens of the United States.

## ARTICLE IX.

Conquests before arrival of thefe articles in

In case it should so happen that any place or territory belonging to Great-Britain or to the United States, should have been conquered by the arms of either from the other, before America, to the arrival of the faid provisional articles in be restored. America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

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#### ARTICLE X.

Ratification.

The folemn ratifications of the present traty, expedited in good and due form, shall be exchanged between the contracting parties, in the fpace of fix months, or fooner if possible, to be computed from the day of the fignature of the present treaty. In witness whereof, we the underfigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, figned with our hands the prefent definitive treaty, and caused the seals of our arms to be affixed thereto.

> DONE at Paris, this third day of September, in the year of our Lord one thousand seven bundred and eighty-three.

ons to whom they belone

D. HARTLEY. (L. S.)

JOHN ADAMS. (L. S.)

B. FRANKLIN, (L. S.)

JOHN JAY, (L. S.)

# Table of Contents.

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ut re-

t treaall be arties, ffible, nature of, we otentif our

preals of

eptemusand

s.) s.) s.)

Acts passed at the First Session of the First Congress.  PAGE  I. An act to regulate the time and manner of administering certain oaths,  25
I. An act to regulate the time and manner of administering certain oaths, 25
I. An act to regulate the time and manner of administering certain oaths, 25
administering certain oaths, 25
II An all fam lawing a duty an acade angue
II. An act for laying a duty on goods, wares, and merchandizes imported into the Uni-
ted States, 28
III. An act imposing duties on tonnage, 28
IV. An act for establishing an executive de- partment, to be denominated the depart-
ment of foreign affairs, 359
V. An act to regulate the collection of the du-
ties imposed by law on the ionnage of ships
or veffels, and on goods, wares and mer-
chandizes imported into the United States, 28
VI. An act for settling the accounts between
the United States and individual states, 29
VII. An act to establish an executive depart-
ment, to be denominated the department of
war,
VIII. An act to provide for the government of
the territory north-west of the river Ohio, 32
IX. An act for the establishment and support
of light-houses, beacons, buoys, and public
piers, 33
X. An act providing for the expences which
may attend negociations or treaties with
the Indian tribes, and the appointment of
commissioners for managing the same, 35

XI.	An act for registering and clearing vessels, regulating the coasting-trade, and for other	
	purpofes,	35
XII.	An act to establish the treasury department,	36
	An act for establishing the falaries of the	3
	executive officers of government, with their	
	affistants and clerks,	40
XIV.	An act to provide for the Safe-keeping of	
TI TOL	the acts, records, and feal of the United	
	States, and for other purposes,	41
XV.	An act to suspend part of an act, entitled,	
	" an act to regulate the collection of the du-	
	ties imposed by law on the tonnage of ships	
11.2	or veffels, and on goods, wares, and mer-	
	chandizes, imported into the United States,"	
	and for other purposes,	44
XVI.	An act for the temporary establishment of	77
out the	the post-office,	44
XVII.	An act for allowing compensation to the	77
	Members of the Senate and House of Re-	
	presentatives of the United States, and to	
	the officers of both Houses,	45
THE	An act for allowing certain compensation	79
	to the Judges of the Supreme and other	
	Courts, and to the Attorney-General of	45
VIV	the United States,	43
AIA.	An act for allowing a compensation to the	
	President and Vice-President of the United	46
vv	States,	40
AA.	An act to establish the Judicial Courts of	47
VVI	the United States,	47
AXI.	An act to regulate processes in the courts	
VVII	of the United States,	75
AAH.	An act to explain and amend an act, in-	
1 1 1 1 1	tituled, " an act for registering and clear-	
	ing veffels, regulating the coasting trade,	**
	and for other purposes."	75

**6**#

¢H.

CH.APTER	ANDE
XXIII. An act making appropriations for the	e fer-
vice of the present year,	76
XXIV. An act providing for the payment	
invalid pensioners of the United State	tes, 77
XXV. An act to recognize and adapt to the	
stitution of the United States the esta	4 4 1
ment of the troops raised under the re	
of the United States in Congress affen	
and for other purposes therein ment	
XXVI. An act to allow the Baron de Gla	
the pay of a captain in the army	f the
United States,	77
XXVII. An act to alter the time for the news	
ting of Congress,	77
CHAPTER	PAGE
CHAPTER	PAGE
1. An act for giving effect to the severa	l acts
therein mentioned, in respect to the	
of North-Carolina, and other put	
H. An act providing for the enumerati	
the inhabitants of the United States,	
III. An act to establish an uniform rule of	
turalization,	. 87
IV. An act making appropriations for the	Sup-
part of government, for the year one	thou-
fand seven hundred and ninety,	87
V. An act to prevent the exportation of	goods
not duly inspected according to the	laws
of the several states,	9,1
VI. An act to accept a cession of the clair	ms of
the flate of North-Carolina, to a ce	
district of western territory,	92
VII. An all to promote the progress of t	yefui
arts.	99

eH.

X

I

IX

IX

CHAPTER	ACE
WIII. An act further to suspend part of an act,	7
intituled, " an act to regulate the collec-	
tion of the duties imposed by law on the ton-	Z
nage of ships or veffels, and on goods,	
wares, and merchandifes, imported into	d: 7
the United States," and to amend the faid	
act, which has request the desires of the	100
IX. An act for the punishment of certain crimes	
against the United States,	100
X. An act for regulating the military establish-	2
ment of the United States,	114
XI. An act to prescribe the mode in which the	
public acts, records, and judicial proceed-	I
ings, in each state, Shall be authenticated	
so as to take effect in every other state,	115
XII. An act to provide for mitigating or remit-	
ting the forfeitures and penalties accruing	
under the revenue laws, in certain cases	
	116
XIII. An act to continue in force an act passed at	
the last session of Congress, entitled, " an	
act to regulate processes in the courts of the	
United States,"	118
XIV. An act for the government of the Territory	
of the United States, fouth of the river	
Obio, and the me aliderity of a tak till	118
XV. An act for the encouragement of learn-	
ing, by securing the copies of maps, charts	<b>排放</b>
and books, to the authors and proprietors	
of such copies, during the times therein	0
mentioned,	118
XVI. An act for finally adjusting and satisfying	
the claims of Frederick William De Steu-	
ben,	123
XVII. An act for giving effect to an act, inti-	
tuled, " An act to establish the judicial	
courts of the United States," within the	122
Rate of North-Carolina,	123

MADTER 1	AGE
XVIII. An act supplemental to the act for esta-	LAS
blishing the falaries of the executive offi- cers of government, with their affiftants	IZ.
and clerks,	125
XIX. An act for giving effect to the several acts, therein mentioned, in respect to the	
State of Rhode-Island and Providence	
Plantations,	125
XX. An act for the relief of Thomas Jenkins and Company,	126
XXI. An act for giving effect to an act, intitu-	
led, " An act to establish the judicial courts	
of the United States," within the state	
of Rhode-Island and Providence Planta-	126
XXII. An act providing the means of intercourse between the United States and foreign	
nations,	128
XXIII. An act to fatisfy the claims of John M'Cord against the United States,	120
IXIV. An act for the relief of Nathaniel Twi-	
ning,	129
XXV. An act for giving effect to an act, intituled, "An act providing for the enumeration	7 7 7 3
of the inhabitants of the United States," in respect to the state of Rhode-Island and	
Providence Plantations,	129
IXVI. An act to authorize the purchase of a tract of land for the use of the United	
States,	131
IXVII. An act further to provide for the payment of the invalid pensioners of the United	
States,	IZI
IXVIII. An act for establishing the temporary and permanent seat of the government of the	Z
United States,	13,2

CE

6 50

HAPTER	AGEN	1
XXIX. An act for the government and regulation	AX.	EHA
of seamen in the merchants service,	134	
XXX. An act imposing duties on the tonnage of		
Ships or veffels,	144	
XXXI. An act providing for holding a treaty or		
treaties to establish peace with certain In-		0-5
dian tribes,	146	
XXXII. An act to amend the act for the esta-		272
blishment and support of light-houses, bea-		
cons, buoys, and public piers,	146	
XXXIII. An act to regulate trade and intercourse	Z	10
with the Indian tribes,	147	070
XXXIV. An act making provision for the debt of the		
United States	147	282
XXXV. An act to provide more effectually for the	1000	
collection of the duties imposed by law on		
goods, wares and merchandize imported		
into the United States, and on the tonnage		
of Ships or vessels,	162	X
XXXVI. An act to continue in force for a limited	215 - 118	
time, an act, intituled, " an act for the		
temporary establishment of the post-office,"		300
XXXVII. An act for the relief of John Stewart		Acts
and John Davidson,	244	alets
	G-24 - 1759	CHA
XXXVIII. An act to provide more effectually for the		
fettlement of the accounts between the Uni-	1144	00
ted States and the individual states,	7.8%	
XXXIX. An act making further provision for the		100
payment of the debts of the United States,		
XL. An act to enable the officers and foldier		
of the Virginia line on continental establish		
ment, to obtain titles to certain lands lying		
north-west of the river Ohio, between th	The state of the s	
Little Miami and Sciota,	254	
XLI. An act authorizing the Secretary of th		
Treasury to finish the light-house on Port		
land-Head, in the district of Maine,	257	100

AGE

4X 

CHAPTER	TORACE.
XLII. An act to alter	the times for holding the
circuit courts of	the United States in the
	b-Carolina and Georgia,
	bat the district court of
	pall in future be held at
	delphia only, 258
	the affent of Congress to
	be States of Maryland,
	hode-Island and Provi-
	, ason Amaginet Car / 259
XLIV. An act for the r	elief of difabled foldiers
	in the fervice of the Uni-
	f certain other persons, 259
	clief of the persons there-
	lescribed, 263
	certain appropriations
	265
XLVII. An act making	
	debt, www. Xto 268
	The set of sources and the set
te la	Se Service and Lergi-
Ads paffed at the Third S	effion of the First Congress.
atts paned at the Tipid of	SCHOOL STATE CONSTITUTE
CHAPTER TO SALE OF MALE	page PAGE
I. An act supplement	tary to the act, intitled,
	further provision for the
	ts of the United States," 275
II. An act to provide	for the unlading of Ships
or veffels, in cafe.	s of obstruction by ice, 276
III. An act to continue	e an act, intituled, " an
act declaring the	affent of Congress to cer-
tain acts of the ste	ates of Maryland, Geor-
gia, and Rhode-	Mand and Providence
Plantations," fo	far as the same respects
the states of Geo	rgia, and Rhode-Island
and Providence P	lantations, 277

SIA!	PTER	Q
1	1. An act declaring the confent of Congress,	9
	that a new state be formed within the	9
	jurifdiction of the commonwealth of Vir-	7
1210	ginia, and admitted into this Union, by	
1	the name of the state of Kentucky,	27
22	V. An act declaring the confent of Congress	3
	0 6.1 0 616 1 1	29
	VI. An act making appropriations for the	
	Support of government during the year one	
	thousand seven bundred and ninety-one,	
	and for other purposes,	27
000	VII. An act for the admission of the state of	
255		28
	VIII. An act to continue in force, for a limited	
	time, an act passed at the first session of	
	Congress, intituled, " an act to regulate	
and the	processes in the courts of the United	
		28
000	IX. An act regulating the number of represen-	
*	tatives to be chosen by the states of Ken-	
		28
James	X. An act to incorporate the fubscribers to	
		28
177.9	XI. An act supplementary to the act, intitu-	
	led, " an act to incorporate the subscri-	
		29
7.	XII. An act giving effect to the laws of the	
		29
7.00	XIII. An act to explain and amend an act, inti-	
	tuled, " an act making further provision	
	for the payment of the debts of the United	
	for the payment of the debts of the United States,"	2
	XIV. An act fixing the time for the next annu-	
	al meeting of Congress,	30
	XV. An act repealing, after the last day of	
	June next, the duties heretoforeslaid upon	
*	distilled spirits imported from abroad,	

(2018년 1일 1918년 1월 2019년 1일	
CHAPTER	AGE
and laying others in their stead; and	
also upon spirits distilled within the Uni-	
ted States, and for appropriating the	
fame, and a state of the beautiful to the beautiful to	301
XVI. An act making an appropriation for the	
purpose therein mentioned,	338
XVII. An act to amend " an act, for establishing	
the temporary and permanent feat of the	
government of the United States,"	339
XVIII. An act supplemental to the act " establish-	6.0
ing the treasury department," and for a	
farther compensation to certain officers,	340
XIX. An act relative to the rix-dollar of Den-	
mark,	342
XX. An act in addition to an act, intituled,	
" an act for establishing the salaries of	
the executive officers of government, with	
their affistants and clerks,	343
XXI. An act for making compensations to the	
commissioners of loans, for extraordinary	
expenses,	344
XXII. An act providing compensations for the	
officers of the judicial courts of the United	
States, and for jurors and witnesses, and	
for other purposes,	345
XXIII. An act to continue in force for a limited	
time, an act, intituled, " an act for the	
temporary establishment of the post-office,"	345
XXIV. An act to continue in force the act therein	
mentioned, and to make further provision	
for the payment of pensions to invalids, and	
for the support of light-houses, beacons,	
buoys, and public piers,	345
XXV. An act supplementory to the act, making	
provision for the reduction of the public	
debt.	347

CHAPTER XXVI An ast making	farther provision for the
	duties by law imposed on
	long the term for the pay-
ment of the duti	
XXVII. An act for gra	inting lands to the inhabi-
	ers at Vincennes and the
	in the territory north-west
their possessions,	d for confirming them in
XXVIII. An act for rai	
	military establishment of
	, and for making farther
provision for the	e protection of the from
tiars,	356
B tract off, intituled,	
for solder for sold sold sold sold sold sold sold sold	all and the second of the second
The Treaties made by the	
	gn Nations.
Treaty of alliance between	en the United States of
America and his most	
Treaty of amity and com	nerce between the United
	bis most Christian Ma-
jesty, America kan anom	
Treaty of amity and comm	
	General of the United
Convention between the L	nited States of America, 420
	lands, and the United
	oncerning veffels recap-
tured,	462
Provisional articles between	
America, and his Brite	
Definitive Treaty of Pe	
States of America and	his Britannic Majesty, 477



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